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Washington, Tuesday, January 20, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9925

ESTABLISHING AIRSPACE RESERVATIONS OVER CERTAIN FACILITIES OF THE UNITED STATES ATOMIC ENERGY COMMISSION

By virtue of and pursuant to the authority vested in me by section 4 of the Air Commerce Act of 1926 (44 Stat. 570), the airspace above the three following-described portions of the United States is hereby reserved and set apart for national defense and other governmental purposes as airspace reservations within which no person shall navigate an aircraft except in the interest of national defense or by authority of the United States Atomic Energy Commission:

All that area within the United States lying within each of the following-described boundaries:

1. *Clinton Engineering Works, Oak Ridge, Tennessee*

Beginning at Latitude 36°00'25" Longitude 84°07'05"; thence to Latitude 35°51'35" Longitude 84°16'25"; thence to Latitude 35°52'10" Longitude 84°24'15"; thence to Latitude 35°55'45" Longitude 84°29'30"; thence to Latitude 36°05'05" Longitude 84°13'30"; thence to Latitude 36°00'25" Longitude 84°07'05", the point of beginning.

2. *Hanford Engineer Works, Richland, Washington*

Beginning at Latitude 46°33'40" Longitude 119°13'00"; thence to Latitude 46°20'00" Longitude 119°13'13"; thence to Latitude 46°18'06" Longitude 119°30'00"; thence to Latitude 46°26'00" Longitude 119°47'25"; thence to Latitude 46°40'45" Longitude 119°47'28"; thence to Latitude 46°46'50" Longitude 119°33'35"; thence to Latitude 46°46'50" Longitude 119°28'16"; thence to Latitude 46°33'40" Longitude 119°13'00", the point of beginning.

3. *Los Alamos Project, Santa Fe, New Mexico*

Beginning at Latitude 36°00'00" Longitude 106°04'00"; thence along the Rio Grande River to Latitude 35°45'00" Longitude 106°15'00"; thence to Latitude 35°45'00" Longitude 106°30'00"; thence to Latitude 36°00'00" Longitude 106°30'00"; thence to Latitude 36°00'00" Longitude 106°04'00", the point of beginning.

Any person navigating an aircraft within any of these airspace reservations in violation of the provisions of this order will be subject to the penalties prescribed in the Civil Aeronautics Act of 1938 (52 Stat. 973), as amended.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 17, 1948.

[F. R. Doc. 48-617; Filed, Jan. 19, 1948; 11:13 a. m.]

EXECUTIVE ORDER 9926

AMENDMENT OF EXECUTIVE ORDER NO. 9898, SUSPENDING THE EIGHT-HOUR LAW AS TO LABORERS AND MECHANICS EMPLOYED BY THE DEPARTMENTS OF THE ARMY AND THE AIR FORCE ON CERTAIN PUBLIC WORKS

By virtue of the authority vested in me by section 1 of the act of August 1, 1892, as amended by the act of March 3, 1913, 37 Stat. 726 (40 U. S. C. 321), and as President of the United States, it is ordered as follows:

The penultimate paragraph of Executive Order No. 9898 of October 14, 1947, which suspends until July 1, 1948, the eight-hour law as to all work performed by laborers and mechanics employed by the Department of the Army or the Department of the Air Force with respect to which the Secretary of the Army or the Secretary of the Air Force, respectively, shall find suspension "essential to (1) the supply and maintenance of the Army or the Air Force" is hereby amended by changing the preceding quoted language to read "essential to (1) the supply and maintenance of the military or naval forces".

HARRY S. TRUMAN

THE WHITE HOUSE,
January 17, 1948.

[F. R. Doc. 48-615; Filed, Jan. 19, 1948; 11:13 a. m.]

EXECUTIVE ORDER 9927

RESTORING CERTAIN LANDS TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS by Executive Order No. 174 of the Governor of the Territory of Hawaii, dated December 13, 1924, certain lands situated near the Hilo Breakwater, Waiakea, South Hilo, Hawaii, were set

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

[1] E. O. 9926.

CODIFICATION GUIDE—Con.

aside for the use of the United States Navy Department; and

WHEREAS these lands are no longer needed for the use of the Navy Department, and it is deemed advisable and in the public interest that they be restored to the use of the Territory of Hawaii:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, and as President of the United States, it is ordered that the following-described land at Waiakea-Kai near Hilo Breakwater, Waiakea, South Hilo, Hawaii, be, and it is hereby, restored to the jurisdiction of the Territory of Hawaii:

Beginning at a spike in concrete at the Northwest corner of this piece at seashore, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Halai" being 5387.63 feet North and 15589.78 feet East, as shown on Government Survey Registered Map No. 2539, and running by true azimuths:

1. Along seashore along highwater mark to the Northwest corner of the proposed United States Military Reservation, the direct azimuth and distance being 246°32'40" 59.19 feet;
2. 318°30' 133.3 feet along proposed United States Military Reservation;
3. 228°45' 224.4 feet along same;
4. 279°55' 118.3 feet along same;
5. 288°39' 401.6 feet along same;
6. 331°58' 390.0 feet along same;
7. 63°54' 597.28 feet along North side of Keaukaha Road;
8. 153°54' 422.96 feet along land owned by the Territory of Hawaii;
9. 138°30' 406.3 feet along same to the point of beginning; containing 8.82 acres.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 17, 1948.

[F. R. Doc. 48-616; Filed, Jan. 19, 1948; 11:13 a. m.]

DIRECTIVE OF JANUARY 17, 1948

ORDER FOR CONSERVATION OF FUEL OIL, GASOLINE, AND GAS

To the Heads of All Departments and Independent Agencies:

I hereby direct that, effective immediately, each Department and agency of the Government observe and enforce the following rules, applicable to all property and equipment which is owned, operated, or controlled by the Government, and which wherever located uses fuel oil or gasoline, or which uses gas in areas where natural gas is not in abundant supply, except where full and rigid observance would impair or endanger health or safety.

1. Office buildings and other establishments shall not be heated above 68° at the start of work and shall be maintained at this temperature so far as practicable throughout the work-day. After work hours buildings shall not be heated above 60°. The only exception shall be those establishments whose operations require a higher temperature. Buildings without zone control and areas difficult to heat without raising the temperature of the entire building shall be studied to determine the necessary mechanical changes reasonably to meet the objectives stated.

2. Residences and residential quarters shall not be heated above 68° during waking hours or above 60° at other times.

3. No unused or unoccupied space shall be heated above the minimum temperature required to prevent damage thereto.

4. No equipment shall be installed for burning fuel oil or gas or liquefied petroleum gas, and no permanent building or establishment shall be converted to these fuels, without the prior approval of the Bureau of Mines, except where firm commitments for such installations or conversions have already been made.

5. If available funds permit, all buildings should be insulated, weatherstripped, and provided with storm sashes to the maximum practicable extent.

6. Lighting and other uses of electricity shall be kept at the minimum consistent with safety and working efficiency, and no hot water shall be wasted.

7. No vehicle shall be driven farther or more often than necessary, or be driven at a speed of more than 40 miles an hour except in emergency.

8. No vehicle shall use premium grade motor fuel unless specifically designed for and requiring a higher octane fuel than the regular grade.

9. Every means of conserving fuel oil, gasoline, and gas, including proper maintenance of heating equipment and motor vehicles, shall be adopted and observed.

The Bureau of Mines, Department of the Interior, will advise, on request, those responsible for the heating of buildings and other establishments on proper methods to save fuel.

The head of each Department and Independent Agency will be responsible for the enforcement and observance of the foregoing rules. In addition, the head of each Department and Agency is directed to urge all employees, contractors, subcontractors, and others within his jurisdiction to observe the foregoing rules.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 17, 1948.

[F. R. Doc. 48-614; Filed, Jan. 19, 1948; 11:12 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter II—The Loyalty Review Board

Part
200. Statement of the Loyalty Review Board.
210. The operations of the Loyalty Review Board.
220. Directives to the departments and agencies; cases of incumbent and excepted employees.
230. Directives to the regional loyalty boards; cases of applicants and appointees in the competitive service.

PART 200—STATEMENT OF THE LOYALTY REVIEW BOARD

§ 200.1 *General statement governing the Loyalty Review Board, loyalty boards of the departments and agencies, and regional loyalty boards of the Civil Service Commission.* The President and the Congress deem it possible that there are present in the service of our Government,

employees who are disloyal to the country. The President has, therefore, under Congressional authority, directed that a searching investigation be made to ascertain the facts, and has directed the appointment of a Loyalty Review Board to supervise all inquiries into the loyalty of government employees, and applicants for employment.

The President accordingly issued Executive Order 9835 to assure: (a) "That persons employed in the Federal service be of complete and unswerving loyalty to the United States"; (b) that the United States afford "maximum protection against infiltration of disloyal persons into the ranks of its employees"; and, at the same time that (c) there be given equal protection to the loyal employees of the United States "from unfounded accusations of disloyalty."

Advocacy of whatever change in the form of government or the economic system of the United States, or both, however far-reaching such change may be, is not disloyalty, unless that advocacy is coupled with the advocacy or approval, either singly or in concert with others, of the use of unconstitutional means to effect such change.

In a statement to the press, the President of the United States, on November 14, 1947, said with reference to membership in one or more of the organizations then still to be designated by the Attorney General as totalitarian, fascist, communist or subversive:

> Membership in an organization is simply one piece of evidence which may or may not be helpful in arriving at a conclusion as to the action which is to be taken in a particular case.

The Attorney General expressed a similar view in the letter to the Loyalty Review Board in which he so designated certain organizations.

The probative value of evidence of past or present membership in, affiliation with or sympathetic association with, any one or more of the organizations so designated by the Attorney General can be fairly evaluated only after determining, so far as possible, the character of the organization, the period, nature and duration of the association, whether the employee or applicant was aware of the subversive character of the organization at the time of such association, and the nature of his activities in connection with such organization.

The welfare of the civil service, upon the wisdom, imagination and morale of which the security of the United States is dependent, requires that all employees and all who may aspire to become employees of the Government should not only be, but feel, free to join, affiliate or associate with, support or oppose any organization, liberal or conservative, which is not disloyal.

Persons holding beliefs calling for a change in our form of government through the use of force or other unconstitutional means, who indicate these beliefs by association or conduct, and persons who demonstrate that their allegiance is primarily to some foreign power or influence, and that they desire to overthrow our Government, have no constitutional or moral right to remain in, or enter upon the service of our Nation, which must, now as always, rely for its security upon the loyalty of its civil servants.

No person has an inherent or constitutional right to public employment; public employment is a privilege, not a right. (E. O. 9835, Mar. 21, 1947, 12 F. R. 1935)

PART 210—THE OPERATIONS OF THE LOYALTY REVIEW BOARD

Sec.

AUTHORITY: §§ 210.1 to 210.15, inclusive, issued under E. O. 9835, Mar. 21, 1947, 12 F. R. 1935.

§ 210.1 *The Loyalty Review Board.* This Board shall be known as the Loyalty Review Board, and any reference to "the Board" in this part shall mean such Loyalty Review Board.

§ 210.2 *Membership.* The Board shall be made up of members thereof who have heretofore been duly appointed, together with such additional members as the U. S. Civil Service Commission may from time to time select and appoint.

§ 210.3 *Officers.* The officers of this Board shall consist of a chairman, two vice-chairmen, and an executive secretary.

§ 210.4 *Duties of officers*—(a) *The chairman.* The chairman shall perform all of the duties usually pertaining to the office of chairman, including presiding at Board meetings, supervising the administrative work of the Board, and conducting its correspondence. He shall be authorized to call special meetings of the Board and he shall call such meetings upon the written request of five members of the Board. The time and place of such meetings shall be fixed by the chairman. The chairman shall constitute such panels of the Board as may be necessary to conduct the hearings and is authorized to appoint such committees as from time to time may be required to handle the work of the Board. The chairman may request either vice-chairman to assume the duties of the chairman in event of the absence of the chairman or his inability to act. All public announcements by or on behalf of the Board shall be made by the chairman.

(b) *The vice-chairman.* The duties of the vice-chairman, when acting in the place of the chairman, shall be the same as the duties of the chairman.

(c) *The executive secretary.* The executive secretary shall perform all of the duties customarily performed by an executive secretary. He shall have immediate charge of all of the administrative duties of the Board under the direction of the chairman and shall have general responsibility for advising and assisting the Board members and exercising executive direction over the staff.

§ 210.5 *Quorum.* A majority of all of the members of the Board shall constitute a quorum of the Board. A stenographic record, whenever possible, shall be kept of the transactions of the Board in its meetings.

§ 210.6 *Authority and responsibility of the Board.* The Board shall have the authority and responsibility:

(a) To review cases involving loyalty and to act on appeals and to make such advisory recommendations with respect thereto to departments and agencies as the Board shall duly approve.

(b) To make rules and regulations, not inconsistent with the provisions of the Executive order, deemed necessary to implement statutes and Executive orders relating to employee loyalty.

(c) To advise all departments and agencies on all problems relating to employee loyalty.

(d) To disseminate information pertinent to the employee loyalty program.

(e) To coordinate the employee loyalty policies and procedures of the several departments and agencies.

(f) To make reports and to submit recommendations to the Civil Service Commission.

§ 210.7 *Definitions.* The following terms shall have the following meanings:

(a) "Applicant"—a person who has applied for a position in the competitive service but has not entered on duty.

(b) "Appointee"—a person appointed to the competitive service on or after October 1, 1947.

(c) "Excepted employee"—a person appointed at any time to a position excepted from the competitive service.

(d) "Incumbent employee"—a person who entered on duty prior to October 1, 1947.

(e) "Preference eligible"—an employee entitled to the benefits of section 14 of the Veterans' Preference Act of 1944.

(f) "Complete file"—all reports of investigation or other inquiry, all charges and interrogatories, all transcripts of hearings and exhibits, all memoranda analyzing the evidence or setting forth conclusions, findings, recommendations, determinations, decisions, or other actions in cases, and all affidavits, supporting documents, correspondence or memoranda in connection with the investigation, determination, decision, and closing of any case or cases.

§ 210.8 *Panels of the Board.* Unless otherwise ordered by the Board, all hearings shall be held by panels of the Board, the decisions of which shall be the decisions of the Board. Such panels of the Board shall consist of not less than three members designated by the chairman. The chairman shall designate the Board member who shall be the presiding member, and it shall be the duty of such presiding member to make due report to the Board of all acts and proceedings of the said panel.

§ 210.9 *Action on appeals*—(a) *Circumstances under which appeal may be considered.* The Board shall not consider any appeal until the appellant shall have exhausted all of his administrative remedies below.

(b) *Notice to regional board or agency.* The Board shall notify the regional loyalty board or the employing department or agency of all appeals, and thereupon the regional loyalty board or the head of the employing department or agency shall furnish to the Board the complete file of the case in triplicate, unless otherwise ordered by the Board.

(c) *Time of appeal.* No appeal shall be considered by the Board or a panel of the Board unless such appeal is filed with the Board within twenty calendar days after the receipt of the notice by the appellant of the final decision below by the head of the department or agency or the regional loyalty board, in the case of persons living within the continental limits of the United States, and within thirty calendar days in case of persons living outside the continental limits of the United States.

(d) *Presentation of evidence.* An appellant must submit all his evidence in hearings below, and a decision must be had thereon before this Board or a panel of the Board will consider any appeal. Cases on appeal shall be heard upon the complete file and on briefs submitted and oral arguments made by, or on behalf of the appellant, if desired, but the panel shall have the right, in its discretion, in exceptional cases, to permit additional evidence to be directly presented to it in connection with a hearing of a particular appeal; and in such a case may question any person testifying before it or invite others to testify to the extent deemed advisable.

(e) *Time and place of hearing.* When an appellant is granted a hearing, the executive secretary, in consultation with the presiding member of the panel, will set a time and place for the hearing as convenient to the appellant as circumstances reasonably permit and will make the necessary arrangements for such hearing.

(f) *Further evidence.* If a panel of the Board, either before, during, or after hearing an appeal, is of the opinion that further evidence should be taken or amplification of the record should be made below, it may remand the case for reconsideration and for the taking of such further evidence as it may direct.

(g) *Review of decision of panel.* No review by this Board of a decision of a panel will be permitted except upon the concurrence of a majority of all the members of the Board.

§ 210.10 *Attendance at hearings.* All Board or panel hearings shall be private except that the appellant and one attorney or representative of his choosing may be present at the hearing. A witness who is heard by a panel may be present only while testifying. Arguments either by or on behalf of the appellant may be made before the panel under such limitations as it may impose.

Upon the decision of an appeal by a panel, the decision of the panel, together with the complete file involved in the case, shall be transmitted to the executive secretary and by him transmitted to the proper officials below.

§ 210.11 *Grounds for determination of disloyalty*—(a) *Standard.* The standard for the refusal of employment or the removal from employment in an executive department or agency on grounds relating to loyalty shall be that, on all the evidence, reasonable grounds exist for belief that the person involved is disloyal to the Government of the United States. The panel shall reach its decision on consideration of the complete file, arguments, brief, and testimony presented to it.

(b) *Activities and associations.* Among the activities and associations of an applicant or employee which may be considered in connection with the determination of disloyalty may be one or more of the following:

(1) Sabotage, espionage, or attempts or preparations therefor, or knowingly associating with spies or saboteurs;

(2) Treason or sedition or advocacy thereof;

(3) Advocacy of revolution or force or violence to alter the constitutional form of government of the United States;

(4) Intentional unauthorized disclosure to any person, under circumstances which may indicate disloyalty to the United States, of documents or information of a confidential or non-public character obtained by the person making the disclosure as a result of his employment by the Government of the United States, or prior to his employment;

(5) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States;

(6) Membership in, affiliation with, or sympathetic association with any foreign or domestic organization, association, movement, group, or combination of persons, designated by the Attorney General as totalitarian, fascist, communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means.

Such membership, affiliation, or sympathetic association is simply one piece of evidence which may or may not be helpful in arriving at a conclusion as to the action which is to be taken in a particular case.

§ 210.12 *Admissibility of evidence.* Strict legal rules of evidence shall not be applied at hearings, but reasonable bounds shall be maintained as to competency, relevancy, and materiality.

§ 210.13 *Requirement of oath or affirmation.* Testimony shall be given under oath or affirmation.

§ 210.14 *Post-audit and review of files.* The Board shall, as it deems necessary from time to time, post-audit the files on loyalty cases decided by the employing department or agency or by regional loyalty board.

The Board shall have the right, in its discretion, to review on its own motion any determination or decision made by any department or agency loyalty board or regional loyalty board or any head of an employing department or agency, even though no appeal has been taken.

§ 210.15 *Reports.* The Board shall, from time to time, call upon the departments and agencies for such reports as it may deem necessary or desirable in connection with the loyalty program.

PART 220—DIRECTIVES TO THE DEPARTMENTS AND AGENCIES; CASES OF INCUMBENT AND EXCEPTED EMPLOYEES

Sec.

AUTHORITY: §§ 220.1 to 220.6, inclusive, issued under E. O. 9835, Mar. 21, 1947, 12 F. R. 1935.

§ 220.1 *Directive I; general instructions*—(a) *Establishment of department and agency loyalty boards.* In accordance with Executive Order 9835, the head of each department and agency shall establish a department or agency loyalty board, each of which shall be composed of not less than three impartial persons of the department or agency concerned, whose duties it shall be to adjudicate loyalty cases involving incumbent and excepted employees.

In performing their duties, the members of the boards should avoid the attitude of the prosecutor and should always bear in mind and make clear to all concerned that the proceedings are in the nature of an investigation and not of a prosecution.

(Hereafter the word "agency" shall be construed as including departments, commissions, boards, and corporations as well as agencies.)

(b) *Issuance of procedural instructions.* The head of each agency shall prescribe procedures for the adjudication of loyalty cases on incumbent and excepted employees within the agency which shall be consistent with the Executive order and the directives herein contained, and shall be submitted to the Loyalty Review Board for its approval.

(c) *Suspension.* In order to obtain uniformity and coordination of policies and procedures among the several agencies and to afford equal treatment to veterans and non-veterans, employing agencies should not suspend any employees until after initial determination of an unfavorable nature has been made by a board, except in cases seriously threatening national security. After the initial determination of an unfavorable nature has been made, the work and pay status of the employee, whether a preference eligible or not, should be governed by the instructions on pages S1–13

and S1–14 of the Federal Personnel Manual.

(d) *Resignation after adverse adjudication.* In cases not seriously threatening national security, a board, with the approval of the head of the agency, after hearing and determination of an unfavorable nature, if mitigating circumstances are found, may permit resignation instead of recommending suspension or removal. In case of such resignation, immediate notice shall be given to the Civil Service Commission, accompanied by the complete file of the case.

§ 220.2 *Directive II; initial consideration of loyalty cases*—(a) *Standard.* The standard for the refusal of employment or the removal from employment in an executive department or agency on grounds relating to loyalty under Executive Order 9835 shall be that, on all the evidence, reasonable grounds exist for belief that the person involved is disloyal to the Government of the United States. The decision shall be reached after consideration of the complete file, arguments, briefs, and testimony presented.

(b) *Responsibility for consideration of loyalty cases.* All cases in which a report of a loyalty investigation is received shall be referred for consideration to an agency loyalty board consisting of not less than three persons, which shall take action on every case so referred.

It is advisable that the head of the agency provide for each hearing before its board, a representative of the agency (a legal officer, if practicable) who, subject to the direction of the board, will assist in the preparation of the charges and in the presentation of the case to the board. Such representative should be thoroughly familiar with the case in order that he may competently prepare and present the issues involved, examine or cross-examine witnesses, advise the board members as to the presence or absence of information in the case, and otherwise assist the board in developing the facts necessary to a just determination.

(c) *Securing additional information.* The board shall examine the report of investigation and may request further investigation if such action appears to be necessary. Whenever practicable, such request shall be specific as to the additional information required.

If the board deems it advisable or necessary to obtain clarification of certain matters from the employee under investigation prior to reaching a conclusion, the employee may be questioned by an interrogatory issued by the board.

(d) *Making initial determination before hearing.* The board shall consider the reports of investigation in the light of the standard as set forth in paragraph (a) of this section and shall determine whether such reports warrant a finding clearly favorable to the individual or appear to call for further processing of the case with a view to possible removal action.

If the board reaches a clearly favorable conclusion, it shall so determine and recommend to the appropriate officer that favorable action be taken.

If the board determines that such reports do not warrant a finding clearly favorable to the individual, the procedures set forth herein shall be followed.

(e) *Action where initial consideration indicates that a finding of removal may be warranted.* In all cases in which the evidence indicates that removal action may be warranted, the board shall serve the incumbent or excepted employee with a notice in writing stating the charges against him in factual detail, setting forth with particularity the facts and circumstances relating to the charges so far as security considerations will permit, in order to enable the employee to submit his answer, defense, or explanation, and of the proposed removal action. This notice shall be given to the employee at least thirty calendar days in advance of the effective date of the proposed removal action, except as provided on page S1–13 of the Federal Personnel Manual. The notice shall give the employee the following information:

(1) The charges against him in factual detail, setting forth with particularity the facts and circumstances relating to the charges so far as security considerations will permit, in order to enable the employee to submit his answer, defense, or explanation.

(2) His right to answer the charges in writing, under oath or affirmation, within a specified reasonable period of time, not less than ten (10) calendar days from the date of the receipt by the employee of the notice.

(3) His right to have an administrative hearing on the charges before a loyalty board in the agency, upon his request.

(4) His right to appear before such board personally, to be represented by counsel or representative of his own choosing, and to present evidence in his behalf.

(5) The work and pay status in which he will be carried during the period of the notice and until the determination of the agency loyalty board.

(6) In case of veteran preference eligibles the fact that the proposed removal action will not become effective in less than thirty (30) calendar days from the date of receipt by the employee of the notice.

(7) The authority or authorities (Executive order and statute if applicable) under which the notice is being sent.

(f) *Determination of case.* After giving the employee the foregoing notice, the board shall proceed as follows:

(1) If the incumbent or excepted employee does not reply to the notice within the time specified by the agency, the board shall consider the case on the complete file and recommend action to the appropriate officer.

(2) If the incumbent or excepted employee answers the charges in writing but does not request a hearing, the board shall then consider the case on the complete file (including such answer) and recommend action to the appropriate officer.

(3) If the incumbent or excepted employee requests a hearing before the board, a time and place for such hearing shall be set by the board, as convenient to the employee as circumstances permit, and he shall be allowed a reasonable time to assemble his witnesses and prepare his defense. This hearing shall be conducted in accordance with the provisions of Directive III (§ 220.3).

§ 220.3 *Directive III; manner of conducting hearings before agency loyalty boards*—(a) *In general.* Hearings before the boards shall be conducted in an orderly manner and in a serious, businesslike atmosphere of dignity and decorum. The conduct of the board members shall be characterized by fairness, impartiality, and cooperativeness.

It is recommended that the hearings begin with the reading of the letter of charges and interrogatories, if any. The employee shall thereupon be informed of his right to participate in the hearing, be represented by counsel, and present witnesses in his behalf.

(b) *Admissibility of evidence.* Strict legal rules of evidence shall not be applied at the hearings, but reasonable bounds shall be maintained as to competency, relevancy, and materiality.

(c) *Requirement of oath or affirmation.* Testimony shall be given under oath or affirmation.

(d) *Presentation of evidence.* Both the Government and the employee may introduce such evidence as the board may deem proper in the particular case.

The board shall take into consideration the fact that the employee may have been handicapped in his defense by the nondisclosure to him of confidential information or by the lack of opportunity to cross-examine persons constituting such sources of information.

(e) *Recording of testimony.* Testimony at the hearing shall be recorded and transcribed and shall be made a permanent part of the record in the case. The transcript shall include a copy of the charges and of the interrogatories, if any. Whenever possible, the testimony shall be taken verbatim and shall be transcribed. The employee personally or by his counsel or representative shall be entitled to inspect the transcript and, upon request, shall be furnished with a copy of the transcript.

In cases in which it is not practicable to record the testimony verbatim, the the board shall make suitable notes of the relevant portions of the testimony. At the conclusion of the hearing, these notes shall be summarized and when agreed to in writing by all parties concerned, the summary shall constitute part or all, as the case may be, of the transcript of the hearing. If the members of the board and the employee cannot agree on the summary, the summary prepared by the board and such written exceptions thereto as the employee may seasonably file with the board, shall constitute all or part, as the case may be, of the transcript, and such summary and exceptions shall be considered in connection with the making of the determination.

Reporting of testimony given at hearings shall be done by a person or persons designated by the board. No other transcripts shall be made.

(f) *Attendance at hearings.* Hearings shall be private. Attendance shall be limited to representatives of the agency who are directly connected with the ad-

judication of the case, representatives of the Loyalty Review Board, and the incumbent or excepted employee concerned, his counsel or representative, and the witness who is testifying.

(g) *Determination after hearing.* After the incumbent or excepted employee has been given a hearing by the board, the board shall promptly make its determination.

§ 220.4 *Directive IV; determinations, appeals, and advisory recommendations*—(a) *Records of determinations.* To determination by the board shall be made in writing and shall be signed by the members of the board. It shall state merely the action taken and shall be made a permanent part of the file in every case.

(b) *Appeals to heads of departments and agencies.* When the board has reached a determination after charges have been made, the board or the appropriate officer shall serve a notice to that effect in writing on the employee. If the determination is unfavorable, the notice shall also inform the employee that he has a right to appeal from the board's action to the head of the employing agency, or to such person or persons as may be designated by such head, and shall inform him of the procedure to be followed in making the appeal. A specified reasonable period of time, not less than ten calendar days from the date of receipt by the employee of the notice of the determination, shall be allowed the employee to appeal.

If the employee does not appeal from the determination, the board shall transmit its determination to the appropriate officer.

All incumbent and expected employees in whose case an unfavorable determination has been made under Executive Order 9835, whether covered by section 14 of the Veterans' Preference Act or not, shall be assured the right of appeal to the head of the agency or to such person or persons as may be designated by such head, from the adverse determination of the board. This right is in addition to, and not in lieu of, the rights accorded to preference eligibles under the provisions of section 14 of the Veterans' Preference Act.

(c) *Hearing before agency head.* The head of the employing agency or such person or persons as he may designate, shall have the right, in hearing such appeal, to fix the scope and extent of such hearing but, in all cases, the employee shall have the right to be present with his attorney or representative and to be heard therein. In all such hearings, the provisions of Directive III (§ 220.3) shall govern, so far as practicable within the scope of the hearing as fixed by the head of the employing agency.

(d) *Legal effect of advisory recommendations.* The President expects that loyalty policies, procedures, and standards will be uniformly applied in the adjudication of loyalty cases by the several agencies, and the responsibility for coordinating the program and assuring uniformity has been placed in the Loyalty Review Board. The recommendations of the Civil Service Commission in cases of employees covered by section 14 of the Veterans' Preference Act of 1944 are mandatory, and the loyalty of employees not covered by section 14 should be judged by the same standards. Therefore, if uniformity is to be attained, it is necessary that the head of an agency follow the recommendation of the Loyalty Review Board in all cases.

(e) *Record on appeal to Loyalty Review Board.* When an appeal is made to the Loyalty Review Board, the employing agency shall furnish said Board the complete file of the case in triplicate, unless otherwise ordered by said Board. The complete file shall contain all reports of investigation or other inquiry, all charges and interrogatories, all transcripts of hearings and exhibits, all memoranda analyzing the evidence or setting forth conclusions, findings, recommendations, determinations, decisions, or other actions in cases, and all affidavits, supporting documents, correspondence, or memoranda in connection with the investigation, determination, decision, and closing of any case or cases.

§ 220.5 *Directive V; appeals to the Loyalty Review Board*—(a) *Who may appeal.* Any incumbent or excepted employee, including veterans covered by section 14 of the Veterans' Preference Act of 1944, veterans not so covered, and non-veterans, may appeal from an unfavorable determination by the head of the agency. The appeal of an employee covered by section 14 of the Veterans' Preference Act of 1944 to the Civil Service Commission will be heard by the Loyalty Review Board.

(b) *Time limit.* If an incumbent or excepted employee elects to appeal to the Loyalty Review Board or to the Civil Service Commission, the appeal must be filed in writing within twenty calendar days after the receipt of the notice by the employee of the final decision by the head of the agency in the case of persons living within the continental limits of the United States, and within thirty calendar days in the case of persons living outside the continental limits of the United States.

(c) *Where appeals may be filed.* Notice of appeals of incumbent or excepted employees who are not covered by section 14 of the Veterans' Preference Act of 1944 shall be sent to the Loyalty Review Board, United States Civil Service Commission, Room 792 Apex Building, Washington 25, D. C. Notice of appeals of employees who are covered by said section of the Veterans' Preference Act of 1944 shall be sent to the Civil Service Commission, Washington 25, D. C., directly or through the regional office of said Commission in which such employee's official station is located.

(d) *Notification to agency.* If an employee sends notice of an appeal to the Loyalty Review Board, or to the Civil Service Commission, he shall forthwith give notice thereof to the head of the agency.

§ 220.6 *Directive VI; records, files, and reports*—(a) *Maintenance of records and files and furnishing of reports.* The following instructions are issued to enable the Loyalty Review Board to carry out its responsibilities for:

(1) Coordinating the employee loyalty policies and procedures of the several agencies;

(2) Making reports and submitting recommendations to the Civil Service Commission.

The agencies shall maintain at Washington, D. C., or other location of the central office of the agency, a complete record of all loyalty cases under Executive Order 9835, in such fashion that such records can be made available to representatives of the Loyalty Review Board for inspection and review in connection with the work of that Board.

When cases are closed, the agencies shall maintain at Washington, D. C., or other location of the central office of the agency, the complete files in all cases adjudicated under Executive Order 9835, in such fashion that these files can be made available to representatives of the Loyalty Review Board for inspection and review in connection with the work of that Board.

Agencies having the power of summary removal shall maintain at Washington, D. C., or other location of the central office of the agency, such records as will enable the agency to furnish the Loyalty Review Board, upon request, complete statistics regarding actions taken under the power of summary removal.

The agencies shall furnish such reports as may be required from time to time by the Loyalty Review Board.

(b) *Safeguarding confidential information.* It shall be the duty and responsibility of the heads of the several agencies, and of persons designated by them, to insure the physical security of all files of loyalty cases. No persons other than the head of the agency or persons designated by him shall have access to the contents of the files, including reports of investigations.

Confidential sources of information and the identity of confidential witnesses referred to in the reports shall not be disclosed to any person not officially connected with the adjudication of the case.

(c) *Disposition of files of employees who resign or transfer.* The files in cases of incumbent or excepted employees who leave the Federal service while their cases are being processed in the employing agency shall be sent forthwith to the Civil Service Commission, which shall take such precautions as may be necessary for the general protection of the Federal service. The procedure to be followed in cases of persons who transfer to another Federal agency shall be governed by the provisions of Chapter I–2 of the Federal Personnel Manual.

PART 230—DIRECTIVES TO THE REGIONAL LOYALTY BOARDS; CASES OF APPLICANTS AND APPOINTEES IN THE COMPETITIVE SERVICE

Sec.

Sec.
230.4 Directive IV; records of decisions and appeals.
230.5 Directive V; appeals to the Loyalty Review Board.
230.6 Directive VI; records, files, and reports.

AUTHORITY: §§ 230.1 to 230.6, inclusive, issued under E. O. 9835, March 21, 1947, 12 F. R. 1935.

§ 230.1 *Directive I; general instructions*—(a) *Establishment of Commission regional loyalty boards.* In accordance with Executive Order 9835, the United States Civil Service Commission shall establish in each of its regional offices a regional royalty board of not less than three impartial persons, who shall be appointed officers or employees of the Commission, whose duties it shall be to adjudicate loyalty cases involving applicants for and appointees to positions in the competitive service.

In performing their duties, the members of the board should avoid the attitude of the prosecutor and should always bear in mind and make clear to all concerned that the proceedings are in the nature of an investigation and not of a prosecution.

The officers of each board shall consist of a chairman and a vice-chairman to be selected by the United States Civil Service Commission, and an executive secretary.

The chairman shall perform all the duties usually pertaining to the office of chairman, including presiding at board meetings, supervising the administrative work of the board, and conducting its correspondence. He shall be authorized to call special meetings of the board when, in his judgment, such meetings are necessary and shall call such meetings at the written request of three members or a majority of the board, whichever is less. The time and place of such meetings shall be fixed by the chairman. The chairman shall constitute such panels of the board as may be necessary or desirable to conduct the hearings and is authorized to appoint such committees as from time to time may be required to handle the work of the board. The chairman may request the vice-chairman to assume the duties of the chairman in event of the absence of the chairman or his inability to act.

The duties of the vice-chairman, when acting in the place of the chairman, shall be the same as the duties of the chairman.

The executive secretary shall perform all of the duties customarily performed by an executive secretary. He shall have immediate charge of all of the administrative duties of the board under the direction of the chairman and shall have general responsibility for advising and assisting the board members and exercising executive direction over the staff.

Unless otherwise ordered by the board, all hearings shall be held by panels of the board, the decisions of which shall be the decisions of the board. Such panels of the board shall consist of not less than three members designated by the chairman. The chairman shall designate the board member who shall be the presiding member and it shall be the duty of such presiding member to make due report to the board of all acts and proceedings of the said panel.

(b) *Safeguarding confidential information.* Confidential sources of information and the identity of confidential witnesses referred to in the reports shall not be disclosed to any person not officially connected with the adjudication of the case.

(c) *Issuance of procedural instructions.* The boards shall operate under the directives herein contained.

(d) *Suspension.* In order to obtain uniformity of policies and procedures of the boards of the United States Civil Service Commission and to afford equal treatment to all persons, no board shall cause the suspension of an appointee until after a determination of an unfavorable nature has been made by the board, except in a case seriously threatening national security.

(e) *Resignation after adverse adjudication.* In cases not seriously threatening national security, a board, after hearing and determination of an unfavorable nature, if mitigating circumstances are found, may permit resignation instead of recommending suspension or removal. In case of such resignation, immediate notice shall be forwarded to the Loyalty Review Board, accompanied by the complete file of the case.

(f) *Notice by regional loyalty board and right to appeal.* All applicants for and appointees to the competitive service against whom action is taken under Executive Order 9835, shall be assured the rights of a hearing before a board, notice thereof, and appeal to the Loyalty Review Board, in accordance with the provisions of these directives.

§ 230.2 *Directive II; initial consideration of loyalty cases*—(a) *Standard.* The standard for the refusal of employment or the removal from employment in an executive department or agency on grounds relating to loyalty under Executive Order 9835 shall be that, on all the evidence, reasonable grounds exist for belief that the person involved is disloyal to the Government of the United States. The decision shall be reached on consideration of the complete file, arguments, briefs, and testimony presented.

(b) *Responsibility for consideration of loyalty cases.* All cases in which a report of a loyalty investigation is received shall be referred for consideration to a panel of not less than three persons, which shall take action on every case so referred. It is advisable that each board provide for each hearing before it a member of its staff with legal training if practicable, who, subject to the direction of the board, will assist in the presentation of the case to the board or panel. Such person should be thoroughly familiar with the case in order that he may competently present the issues involved, examine or cross-examine witnesses, advise the board members as to the presence or absence of information in the case, and otherwise assist the board in developing the facts necessary for a just determination.

(c) *Securing additional information.* The board shall examine the report of investigation and may request further investigation if such action appears to be necessary. Any such request shall be specific as to the additional information required, whenever practical.

If the board deems it advisable or necessary to obtain clarification of certain matters from the applicant or appointee under investigation prior to reaching a conclusion, the applicant or appointee may be questioned by an interrogatory issued by the board.

(d) *Making initial determination before hearing.* The board shall consider the reports of investigation in the light of the standard as set forth in paragraph (a) of this section and shall determine whether such reports warrant a finding clearly favorable to the individual or appear to call for further processing of the case with a view to possible rating of ineligibility.

If the board reaches a clearly favorable conclusion, it shall rate the applicant or appointee eligible, and so inform the employing agency.

If the board determines that the reports do not warrant a finding clearly favorable to the individual, the procedures set forth herein shall be followed.

(e) *Action where initial consideration indicates that a finding of ineligibility may be warranted.* In all cases in which the evidence indicates that a finding of ineligibility may be warranted, the board shall serve the individual with a written interrogatory stating the nature of the evidence against him in factual detail, setting forth with particularity the facts and circumstances involved, so far as security considerations permit, in order to enable the applicant or appointee to submit his answer, defense, or explanation. The interrogatory and covering letter shall contain the following information:

(1) The nature of the evidence against him in factual detail, setting forth with particularity the facts and circumstances so far as security considerations permit in order to enable the applicant or appointee to submit his answer, defense, or explanation.

(2) His right to reply to the interrogatory in writing, under oath or affirmation, within ten (10) calendar days of the date of receipt by him of the interrogatory.

(3) His right to have an administrative hearing on the issues before the regional loyalty board, upon his request.

(4) His right to appear before such board personally, to be represented by counsel or representative of his own choosing, and to present evidence in his behalf.

(f) *Determination on case.* After an interrogatory has been sent, the board shall proceed as follows:

(1) If the applicant or appointee does not reply to the interrogatory within the time specified, the board may then decide the case on the complete file.

(2) If the applicant or appointee answers the interrogatory in writing but does not request a hearing, the board shall then consider the case on the complete file (including such answer) and make a determination of eligibility or ineligibility.

(3) If the applicant or appointee requests a hearing before the board, a time

and place for such hearing shall be set by the board, as convenient to the individual as circumstances permit, and he shall be allowed a reasonable time to assemble his witnesses and prepare his defense. This hearing will be conducted in accordance with the provisions of Directive III (§ 230.3).

§ 230.3 Directive III; *manner of conducting hearings before regional loyalty boards*—(a) *In general.* Hearings before the board and panel shall be conducted in an orderly manner and in a serious, businesslike atmosphere of dignity and decorum. The conduct of the members shall be characterized by fairness, impartiality, and cooperativeness.

It is recommended that the hearings begin with the reading of the interrogatory. The applicant or appointee shall thereupon be informed of his right to participate in the hearing, be represented by counsel, and present witnesses in his behalf.

(b) *Admissibility of evidence.* Strict legal rules of evidence shall not be applied at the hearings, but reasonable bounds shall be maintained as to competency, relevancy, and materiality.

(c) *Requirement of oath or affirmation.* Testimony shall be given under oath or affirmation.

(d) *Presentation of evidence.* Both the Government and the applicant or appointee may introduce such evidence as the board or panel may deem proper in the particular case.

The board or panel shall take into consideration the fact that the individual may have been handicapped in his defense by the non-disclosure to him of confidential information or by the lack of opportunity to cross-examine persons constituting such sources of information.

(e) *Recording of testimony.* Testimony at the hearing shall be recorded and transcribed and shall be made a permanent part of the record in the case. The transcript shall include a copy of the interrogatories. Whenever possible, the testimony shall be taken verbatim and shall be transcribed. The employee personally or by his counsel or representative shall be entitled to inspect the transcript and, upon request, shall be furnished with a copy of the transcript.

In cases in which it is not practicable to record the testimony verbatim, the board shall make suitable notes of the relevant portions of the testimony. At the conclusion of the hearing, these notes shall be summarized and when agreed to in writing by all parties concerned, the summary shall constitute part or all, as the case may be, of the transcript of the hearing. If the members of the board and the applicant or appointee cannot agree on the summary, the summary prepared by the board and such written exceptions thereto as the applicant or appointee may seasonably file with the board shall constitute all or part, as the case may be, of the transcript and such summary and exceptions shall be considered in connection with the making of the decision.

Reporting of testimony given at hearings shall be done by a person or persons designated by the board. No other transcripts shall be made.

(f) *Attendance at hearings.* Hearings shall be private. Attendance shall be limited to the applicant or appointee, his counsel or representative, and the witness who is testifying.

(g) *Decision after hearing.* After the applicant or appointee has been given a hearing, the board shall promptly make its decision.

§ 230.4 *Directive IV; records of decisions and appeals*—(a) *Records of decisions.* The decision by the board shall be made in writing and shall be signed by the members of the board or panel. It shall state merely the action taken and shall be made a permanent part of the file in every case.

(b) *Notification.* If the board rates an applicant ineligible, his application will be cancelled, and the applicant will be notified by letter of the rating action, the cancellation and debarment, if any.

If the board rates an appointee ineligible, the employing department or agency will be informed by letter of the rating action, including debarment, if any, and will be instructed to separate the appointee. The appointee will be furnished a copy of the letter to the department or agency.

In case an applicant or appointee is found ineligible, the letter of notification will inform the individual concerned that he may appeal from the action of the board to the Loyalty Review Board within twenty calendar days from the date of receipt by the applicant or appointee of the notice of the decision of ineligibility, in the case of a person living within the continental limits of the United States, and within thirty calendar days in the case of a person living outside the continental limits of the United States. He shall also be informed of the procedure to be followed in taking the appeal.

(c) *Record on appeal to Loyalty Review Board.* When an appeal is made to the Loyalty Review Board, the complete file of the case in triplicate shall be furnished to that Board, unless otherwise ordered by it.

The complete file shall contain all reports of investigation or other inquiry, all interrogatories, all transcripts of hearings and exhibits, all memoranda analyzing the evidence or setting forth conclusions, findings, recommendations, determinations, decisions, or other actions in cases, and all affidavits, supporting documents, correspondence, or memoranda in connection with the investigation, determination, decision, and closing of any case or cases.

§ 230.5 *Directive V; appeals to the Loyalty Review Board*—(a) *Who may appeal.* Any applicant or appointee may appeal from a decision of ineligibility made by a board.

(b) *Time limit.* If an applicant or appointee elects to appeal to the Loyalty Review Board, the appeal must be filed in writing within twenty calendar days of the receipt by the applicant or appointee of his notice of the adverse decision of the board, in the case of a person living within the continental limits of the United States and within thirty calendar days in the case of persons living outside the continental limits of the United States.

(c) *Where appeals may be filed.* Notice of appeals of applicants or appointees shall be sent to the Loyalty Review Board, United States Civil Service Commission, Room 792, Apex Building, Washington 25, D. C.

(d) *Notification to agency.* If an appointee sends notice of an appeal to the Loyalty Review Board, he shall forthwith give notice thereof to the head of employing agency.

§ 230.6 *Directive VI; records, files, and reports.* The following instructions are issued to enable the Loyalty Review Board to carry out its responsibilities for:

(a) Coordinating the loyalty policies and procedures of the several departments and agencies and the regional loyalty boards;

(b) Making reports and submitting recommendations to the Civil Service Commission.

The boards shall maintain a complete record of all loyalty cases in such fashion that such records can be made available to representatives of the Loyalty Review Board for inspection and review in connection with the work of the Board.

The boards shall submit reports as requested to the Loyalty Review Board.

Effective: December 17, 1947.

THE LOYALTY REVIEW BOARD,
UNITED STATES CIVIL SERVICE COMMISSION,
SETH W. RICHARDSON,
Chairman.

[F. R. Doc. 48-518; Filed, Jan. 19, 1948; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

UNITED STATES STANDARDS FOR FROZEN GRAPEFRUIT [1]

On October 18, 1947, notice of proposed rule making was published in the FEDERAL REGISTER (12 F. R. 6834) regarding the issuance of United States Standards for Grades of Frozen Grapefruit. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Grapefruit are hereby promulgated under the authority contained in the Department of Agriculture Appropriation Act, 1948 (Pub. Law 266, 80th Cong., 1st Sess., approved July 30, 1947):

§ 52.364 *Frozen grapefruit.* Frozen grapefruit is prepared from the matured fruit of the grapefruit tree (Citrus paradisi), after the fruit has been washed and peeled, and has been separated into

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

segments by removing the core, seeds, and membrane; may be packed with or without packing media; and is frozen and stored at temperatures necessary for the preservation of the product.

(a) *Grades of frozen grapefruit.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen grapefruit of which not less than 75 percent by weight of the grapefruit consists of segments that are whole or almost whole; that possesses a practically uniform, bright, typical color; that is practically free from defects; that possesses a good character; that possesses a normal flavor and odor; and scores not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of frozen grapefruit of which not less than 50 percent by weight of the grapefruit consists of segments that are whole or almost whole; that possesses a reasonably uniform and reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; that possesses a normal flavor and odor; and scores not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Broken" is the quality of frozen grapefruit of which less than 50 percent by weight of the grapefruit consists of segments that are whole or almost whole; that possesses a reasonably uniform and reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; that possesses a normal flavor and odor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "U. S. Grade D" or "Substandard" is the quality of frozen grapefruit that fails to meet the requirements of U. S. Grade B or U. S. Choice and U. S. Broken.

(b) *Ascertaining the grade.* (1) The grade of frozen grapefruit is determined immediately after thawing to the extent that the units may be separated easily. Such grade may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Wholeness, color, absence of defects, and character.

(2) The relative importance of each factor has been expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

	Points
(i) Wholeness	20
(ii) Color	20
(iii) Absence of defects	30
(iv) Character	30
Total score	100

(3) "Normal flavor and odor" means that the grapefruit is free from objectionable flavors, off flavors, and objectionable odors of any kind.

(c) *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

(1) *Wholeness.* (i) "Whole" or "whole segment" means any segment that retains its apparent original conformation, is not excessively trimmed, and weighs not less than ⅜ ounce. A whole segment that is excessively trimmed or that weighs less than ⅜ ounce is considered a broken segment.

(ii) "Almost whole" or "almost whole segment" means any portion of a segment that is not less than 75 percent of the apparent original segment size, is not excessively trimmed, and weighs not less than ⅜ ounce. An almost whole segment that is excessively trimmed or that weighs less than ⅜ ounce is considered a broken segment.

(iii) "Broken" or "broken segment" means a portion of a segment that is less than 75 percent of the apparent original segment size, a whole or almost whole segment that is excessively trimmed, a whole or almost whole segment that weighs less than ⅜ ounce, and portions of segments that are joined together only by a thread" or membrane.

(iv) Frozen grapefruit that consists of not less than 75 percent by weight of units that are whole or almost whole segments may be given a score of 18 to 20 points.

(v) If the frozen grapefruit consists of at least 50 percent but less than 75 percent by weight of units that are whole or almost whole segments, a score of 16 or 17 points may be given. Frozen grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

(vi) If the frozen grapefruit consists of less than 50 percent by weight of the units that are whole or almost whole segments, a score of 0 to 15 points may be given. Frozen grapefruit that falls into this classification shall not be graded above U. S. Broken, regardless of the total score for the product (this is a limiting rule).

(vii) The evaluation of the score points for the factor of wholeness may be determined from Table No. I hereof which indicates the score range in the respective grades and denotes the minimum requirement for whole or almost whole segments and the maximum allowances for broken segments for the score indicated.

TABLE No. I

Grade	Score points	Whole or almost whole segments	Broken segments
		Minimum (by weight)	*Maximum (by weight)*
U. S. Grade A or U. S. Fancy.	20	100%	0%
	19	85%	15%
	18	75%	25%
U. S. Grade B or U. S. Choice.	17	60%	40%
	16	50%	50%
	15	45%	55%
	14	40%	60%
	13	35%	65%
	12	30%	70%
	11	25%	75%
	10	20%	80%
	9	15%	85%
U. S. Broken	8	10%	90%
	7	5%	95%
	6	0%	(1)
	5	0%	(1)
	4	0%	(1)
	3	0%	(1)
	2	0%	(1)
	1	0%	(1)
	0	0%	(1)

[1] Large to small: 100% and depending on size of broken units.

(2) *Color.* Federal inspection certificates may designate pink grapefruit whenever that fact is determined.

(i) The uniformity and intensity of the typical color is considered in determining the factor of color.

(ii) Frozen grapefruit that possesses a practically uniform, bright, typical color may be given a score of 18 to 20 points. "Practically uniform, bright, typical color" means that the grapefruit may possess not more than a slight variation from the typical color of properly matured grapefruit or pink grapefruit from which prepared.

(iii) If the frozen grapefruit possesses a reasonably uniform and reasonably good color, a score of 16 or 17 points may be given. Frozen grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably uniform and reasonably good color" means that the grapefruit may be variable in color, is fairly bright, and is not off color.

(iv) Frozen grapefruit that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 15 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material, from seeds, from portions of covering membrane, and from damaged units.

(i) "Harmless extraneous material" means leaves, small pieces of peel, and other similar material.

(ii) "Seed" means any seed, whether or not fully developed, that measures more than 3/16 inch in any dimension. A "large seed" is one that may be plump and measures more than ⅜ inch in any dimension.

(iii) "Damaged unit" means any unit that is damaged by pathological injury, by lye peeling, by discoloration, or by similar injury or that is damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(iv) Frozen grapefruit that is practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that no harmless extraneous material is present; that not more than 5 percent by weight of the grapefruit may be damaged units; and that for each 16 ounces of net weight there may be present:

(*a*) Not more than 6 seeds including not more than 1 large seed; and

(*b*) Not more than an aggregate area of 1 square inch on the units covered by membrane.

(v) If the frozen grapefruit is reasonably free from defects, a score of 24 to 26 points may be given. Frozen grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that not more than 10 percent by weight of the grapefruit may be damaged units; and that for each 16 ounces of net weight there may be present:

(a) Not more than 1 small piece of harmless extraneous material;

(b) Not more than 12 seeds including not more than 3 large seeds; and

(c) Not more than an aggregate area of 2 square inches on the units covered by membrane.

(vi) Frozen grapefruit that fails to meet the requirements of subdivision (v) of this subparagraph may be given a score of 0 to 23 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(vii) The evaluation of the score points for the factor of absence of defects may be determined from Table No. II hereof which indicates the maximum allowances for each type of defect for the score indicated.

TABLE NO. II

Grade and score points	Harmless extraneous material	Damaged units	Seeds	Aggregate area covered by membrane
	Maximum			
	Per 16 ounces	By weight	Per 16 ounces	
U. S. Grade A or U. S. Fancy:				
30	None	1%	None	None.
29	None	2%	2, but no large seeds	½ square inch.
28	None	3%	4, but no large seeds	¾ square inch
27	None	5%	6, including 1 large seed	1 square inch.
U. S. Grade B or U. S. Choice and Broken:				
26	1 small piece	7%	8, including 1 large seed	1½ square inches.
25	1 small piece	9%	10, including 2 large seeds	1¾ square inches.
24	1 small piece	10%	12, including 3 large seeds	2 square inches.
U. S. Grade D or Substandard:				
23 or less	More than allowances permitted for 24 points.			

(4) *Character.* The factor of character refers to the structure and condition of the cells and reflects the maturity of the grapefruit.

(i) Frozen grapefruit that possesses a good character may be given a score of 27 to 30 points. "Good character" means that the grapefruit is moderately firm and fleshy; that the segments possess a well-developed, juicy, cellular structure; that the product is fairly free from loose cell sacs; and that not more than 5 percent by weight of the grapefruit consists of soft, fibrous, or "ricey" segments.

(ii) If the frozen grapefruit possesses a reasonably good character, a score of 24 to 26 points may be given. Frozen grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the grapefruit is fairly firm and fleshy and that not more than 15 percent by weight of the grapefruit consists of soft, fibrous, or "ricey" segments.

(iii) Frozen grapefruit that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 23 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(d) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen grapefruit, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(e) *Score sheet for frozen grapefruit.*

Size and kind of container			
Container code or marking			
Label (style of pack; ratio of fruit-sugar, etc., if shown)			
Net weight			
Color (if "pink" varieties)			
Factors	Score points		
I. Wholeness	20	(A) 18-20 (B) [1] 16-17 (D) [1] 0-15	
II. Color	20	(A) 18-20 (B) [1] 16-17 (D) [1] 0-15	
III. Absence of defects	30	(A) 27-30 (B) [1] 24-26 (D) [1] 0-23	
IV. Character	30	(A) 27-30 (B) [1] 24-26 (D) [1] 0-23	
Total score	100		
Normal flavor and odor			
Grade			

[1] Indicates limiting rule.

(f) *Effective time.* The United States Standards for Grades of Frozen Grapefruit (which is the first issue) contained in this section shall become effective thirty days after publication of these standards in the FEDERAL REGISTER.

(Pub. Law 266, 80th Cong.)

Issued at Washington, D. C., this 14th day of January, 1948.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-524; Filed, Jan. 19, 1948; 8:49 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS

NOVEMBER 24, 1947.

The following amendments to Title 8, Chapter I, Code of Federal Regulations, are hereby prescribed:

Subchapter A—Administrative Organization

PART 1—GENERAL INFORMATION REGARDING THE IMMIGRATION AND NATURALIZATION SERVICE

1. A new section is inserted between §§ 1.45 and 1.46 as follows:

§ 1.45a *Final authority; delegation to Chief, Information, Mail and Files Section.* The Chief of the Information, Mail and Files Section of the Central Office, under the immediate direction of the Assistant Commissioner for Administration, may certify as to the nonexistence in the records of the Service of an official file, document, or record pertaining to a specified person or subject (see § 383.7 (b) of this chapter).

2. Section 1.46 is amended by changing the period at the end of paragraph (f) to a semicolon and by adding a paragraph which, taken with the introductory sentence, shall read as follows:

§ 1.46 *Final authority; delegation to district directors.* In addition to the powers granted to them by law, district directors have the final authority delegated to them in Part 60 and other parts of this chapter, including determinations involving the following:

* * * * *

(g) Departure of certain deportable aliens from the United States at their own expense in lieu of deportation, as provided in § 150.11a of this chapter (sec. 19 (c) (1), 39 Stat. 889, 54 Stat. 671; 8 U. S. C. 155 (c)); this authority is concurrent with and coextensive with

that of officers in charge of suboffices under the provisions of § 1.48a (a).

3. Section 1.48 is amended by changing the period at the end of paragraph (e) to a semicolon and by adding a paragraph which, taken with the introductory sentence, shall read as follows:

§ 1.48 *Final authority; delegation to officers in charge of ports of entry.* In addition to the powers granted to them by law, officers in charge of ports of entry have final authority delegated to them to make determinations involving the following:

* * * * *

(f) Issuance of certain warrants of arrest, but this authority is delegated only to the officer in charge at Honolulu, T. H., in accordance with the provisions of § 150.3 (d) of this chapter; this authority is concurrent with and coextensive with the authority of district directors to issue warrants of arrest under the provisions of § 1.46 (c).

4. A new section is inserted between §§ 1.48 and 1.49 as follows:

§ 1.48a *Final authority; delegation to officers in charge of suboffices.* In addition to the powers granted to them by law, officers in charge of suboffices have final authority delegated to them to make determinations involving the following:

(a) Departure of certain deportable aliens from the United States at their own expense in lieu of deportation, as provided in § 150.11a of this chapter (sec. 19 (c) (1), 39 Stat. 889, 54 Stat. 671; 8 U. S. C. 155 (c)); this authority is concurrent with and coextensive with that of district directors under the provisions of § 1.46 (g).

PART 60—FIELD SERVICE DISTRICTS AND OFFICERS

Section 60.1 *Field districts* is amended by changing to a semicolon the period at the end of the definition of the territory comprising District No. 2, with headquarters at Boston, Massachusetts, and by adding the following: "also jurisdiction over the United States immigration station located in Canada at Yarmouth, Nova Scotia."

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

Section 110.2 *Immigration stations in Canada* is amended by inserting "Yarmouth, Nova Scotia (BSI) (May–September);" between "Halifax, Nova Scotia (BSI);" and "St. John, New Brunswick (BSI)."

PART 150—ARREST AND DEPORTATION

1. Section 150.10 is amended by changing the first sentence of paragraph (h) to read as follows:

§ 150.10 *Special procedure; application by an alien prior to arrest for suspension of deportation.* * * *

(h) *Termination of special procedure.* The special procedure provided for in paragraphs (f) and (g) of this section may be terminated forthwith (1) by the hearing officer or by the officer in charge of the suboffice, port, or district at any time prior to the transmittal of the record to the Commissioner, upon a determination that the alien may leave for parts unknown, or is failing without cause to prosecute his application, or that the alien's eligibility for suspension of deportation is questionable; or (2) by the Commissioner at any time. * * *

2. In § 150.11a, proviso (a) is amended so that § 150.11a will read as follows:

§ 150.11a *Special procedure; voluntary departure permitted by officers in charge.* Notwithstanding any other provisions of this part, the authority conferred upon the Attorney General by subsection (c) (1) of section 19 of the Immigration Act of 1917, as amended (39 Stat. 889, 54 Stat. 671; 8 U. S. C. 155 (c)), to permit certain deportable aliens to depart from the United States to any country of their choice at their own expense in lieu of deportation, may be exercised by any officer in charge of a district or suboffice: *Provided,* (a) That the alien concerned is a citizen of either Canada or Mexico or is acceptable by one of those countries and desires to depart immediately from the United States for whichever of such countries he is a citizen or an acceptable person; (b) that the alien is willing and able to pay his own transportation expenses and will apparently be admitted to the country of destination with little or no delay; and (c) that the immediate departure of the alien without the issuance of a warrant of arrest or without the completion of proceedings on a warrant of arrest will be advantageous to the Government.

PART 153—DEPORTATION OF INSANE AND DISEASED ALIENS

Section 153.5 is amended to read as follows:

§ 153.5 *Lepers; deportation; procedure.* Cases of aliens afflicted with leprosy shall be disposed of in accordance with the governing regulations and instructions issued by the Surgeon General, United States Public Health Service, Federal Security Agency, Washington, D. C., and in accordance with instructions issued by the Commissioner of Immigration and Naturalization.

Subchapter D—Nationality Regulations

PART 356—EDUCATIONAL REQUIREMENTS AND EDUCATION FOR CITIZENSHIP

Section 356.7 is amended by deleting the last sentence of that section so that such section will read as follows:

§ 356.7 *Public-school certificate as evidence of petitioner's education progress.* Public-school certificates, attesting the attendance and progress records of petitioners for naturalization in citizenship classes, shall be given weight by naturalization officers in determining the educational standing of such petitioners, dependent upon satisfaction of the district director and the naturalization courts with the courses of instruction, teaching, and examinations of the public schools issuing such certificates.

PART 383—FEES AND PROCEDURE TO OBTAIN CERTIFICATIONS OF OR INFORMATION FROM RECORDS

1. Section 383.4 is amended by changing the first sentence of paragraph (a) to read as follows:

§ 383.4 *Copies of Service records and information; fees.* (a) Except where otherwise provided by law or by regulations under this chapter, there shall be paid to the Commissioner for furnishing any person or agency (other than an officer or agency of the United States or of any State or any subdivision thereof for official use in connection with the official duties of such officers or agencies) with copies, certified or uncertified, of any part of, or information from, the records of the Service, a fee of 25 cents per folio, with a minimum fee of 50 cents for any one such service, in addition to a fee of $1 for any official certification furnished under seal. * * *

2. Section 383.7 is amended by designating the present text as paragraph (a) and by adding paragraph (b) as follows:

§ 383.7 *Records; authority of officers to release information and to certify records.* (a) * * *

(b) The Chief of the Information, Mail and Files Section of the Central Office may certify as to the non-existence in the records of the Service of an official file, document, or record pertaining to a specified person or subject (see § 1.45a of this chapter).

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003) as to notice of proposed rule making and as to delayed effective date are inapplicable in this instance because most of the rules prescribed by the order pertain to agency procedure and to organization, particularly delegation of authority, and those rules which are substantive in nature relieve restrictions and are clearly advantageous to both the Government and to persons affected thereby.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 327, 54 Stat. 1150, sec. 1, 54 Stat. 1238, sec. 3 (a) (1) and (2), 60 Stat. 238; 8 U. S. C. 102, 222, 458, 727; 5 U. S. C., Sup., 1002; 8 CFR 90.1, 12 F. R. 4781)

[SEAL] T. B. SHOEMAKER,
Acting Commissioner of Immigration and Naturalization.

Approved: January 14, 1948.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 48-532; Filed, Jan. 19, 1948; 8:51 a. m.]

Subchapter B—Immigration Regulations

PART 150—ARREST AND DEPORTATION

DISCRETIONARY RELIEF PROCEDURE IN EXPULSION PROCEEDINGS

DECEMBER 12, 1947.

Reference is made to the notice of proposed rule making which was pub-

lished in the FEDERAL REGISTER dated November 11, 1947 (12 F. R. 7374), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003) and in which there were stated in full the terms of a proposed amendment of § 150.6 (c), Chapter I, Title 8, Code of Federal Regulations. Such proposed amendment is hereby adopted as stated in full below. The amendment as adopted differs from the amendment as stated in the notice solely in that in item (5) the language "the formal warrant of arrest" has been changed to "a copy of the formal warrant of arrest."

§ 150.6 *Hearing.* * * *

(c) *Procedure; notice of charges; right to apply for discretionary relief.* At the beginning of a hearing under a warrant of arrest, the presiding inspector shall (1) permit the alien to inspect the warrant of arrest and inform him of the charges contained therein by repeating them verbatim and explaining them in language which will clearly convey to the alien the nature of the charges he must answer; (2) apprise the alien, if not represented by counsel, that he may be so represented if he desires and require him to state then and there for the record whether he desires counsel; (3) place the alien under oath or affirmation; (4) advise the alien of the penalty for perjury; and (5) enter of record as an exhibit, identified by number, a copy of the formal warrant of arrest, or a decoded copy of the telegraphic warrant if hearing is held thereunder. The presiding inspector shall in all cases further advise the alien of the provisions of paragraph (g) of this section concerning applications for the privilege of suspension of deportation, departure in lieu of deportation, and departure in lieu of deportation in conjunction with preexamination. Such advice shall in no way preclude a subsequent finding that the alien is ineligible for any one or all of the farms of relief for which he may have applied. A continuance of the hearing for the purpose of obtaining counsel shall not be granted more than once, unless sufficient cause for the granting of more time is shown.

The rule stated above shall become effective on the 31st day following its publication in the FEDERAL REGISTER.

The amendment of this rule is based on a determination that every alien under expulsion proceedings should be formally advised of the law and regulations concerning discretionary action in such cases, and the purpose of this amendment is to require that such advice be given.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458; 8 CFR 90.1, 12 F. R. 4781)

[SEAL] T. B. SHOEMAKER,
Acting Commissioner of Immigration and Naturalization.

Approved: January 14, 1948.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 48-531; Filed, Jan. 19, 1948; 8:51 a. m.]

TITLE 10—ARMY

Subtitle A—Organization, Functions and Procedures of the Department of the Army

PART 1—DESCRIPTION OF CENTRAL AND FIELD AGENCIES

MISCELLANEOUS AMENDMENTS

Amend Part 1, Subtitle A, 10 CFR as follows:

1. Revise the first sentence of §1.12 (11 F. R. 177A-762) as follows:

§ 1.12 *Director of Service, Supply and Procurement.* The Director of Service, Supply and Procurement, General Staff, United States Army, acts as advisor to the Secretary of the Army and the Chief of Staff on all matters relating to research and development, and assumes general staff responsibility for all research and development matters; exercises general staff responsibility for all matters of service, supply, and procurement pertaining to the Army. * * *

2. In § 1.14 (12 F. R. 2555) change the headnote and delete the first sentence as follows:

§ 1.14 *Chief of Research and Development Group, Service, Supply, and Procurement.* * * *

[WD Cir. 138, 1946 as amended by Cir. 73, Dec. 1947, Dept. of the Army] (60 Stat. 238; 5 U. S. C. Sup. 1002; E. O. 9082, Feb. 28, 1943, as amended by E. O. 9722, May 13, 1946)

3. In § 1.15, delete the items "Budget Division" and "Manpower Board, Special Staff" and add the item "Army Comptroller."

4. Sections 1.23 and 1.24 are rescinded and a new § 1.23 is added as follows:

§ 1.23 *Army Comptroller.* The Office of the Army Comptroller is hereby established as a part of the Office of the Deputy Chief of Staff, United States Army. (a) The Army Comptroller shall serve, either personally or through designated representatives, as he may elect, as the Budget Officer (Sec. 214, Budget and Accounting Act of 1921) Fiscal Director, and Management Engineer for the Department of the Army. As such he formulates, coordinates, and supervises those matters pertaining to budget, fiscal, statistical, and management engineering activities of the Department of the Army. His duties include:

(1) Development of a plan for the business management of the Department of the Army and the presentation of periodic reports thereon to the Chief of Staff.

(2) (i) Preparation of plans and procedures for, and exercise of general supervision and control over, all budgetary matters of the Department of the Army, under policies established by the Chief of Staff.

(ii) Preparation of military and civil budget estimates of the Department of the Army (Sec. 214, Budget and Accounting Act of 1921).

(3) Development of systems and procedures for utilization throughout the Army of accounting and auditing for purposes of control of operations and costs.

(4) Formulation, coordination, and general supervision of basic fiscal policy for the Department of the Army.

(5) Establishment and supervision of Department of the Army fiscal policy with respect to international monetary matters and the use of foreign exchange by the Army overseas.

(6) Continuing survey and development of a Department of the Army cost analysis, reporting, and control system.

(7) Continuing survey of the effective utilization of manpower in its relationship to appropriations and to economy.

(8) Continuing survey of the Department of the Army's organization, methods, and procedures in the interest of efficiency and economy.

(9) Coordination of the collection, analysis, and presentation of statistical data, including progress reports.

[WD Cir. 138, 1946, as amended by Cir. Jan. 1948, Dept. of the Army] (60 Stat. 238, 2 U. S. C. Sup. 1002; E. O. 9082, Feb. 28, 1943, as amended by E. O. 9722, May 13, 1946)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-530; Filed, Jan. 19, 1948; 8:51 a. m.]

Chapter VIII—Supplies and Equipment

[Army Procurement Regs. (APR)]

PART 808—PATENTS AND COPYRIGHTS

PATENT PROVISIONS FOR DEVELOPMENTAL AND SUPPLY CONTRACTS; NOTICE AND ASSISTANCE

The text immediately following the headnote of § 808.101-1 (12 F. R. 7751) is rescinded and the following substituted therefor:

§ 808.101-1 *Notice and assistance.* The following article shall be included in all development contracts and in all supply contracts in excess of $5,000. The use of such article is discretionary in supply contracts below $5,000, but should be included when contracting officers have reason to believe there is a potential patent liability involved in the supplies covered by the contract or the patent situation in the field covered by the contract is known to be unsettled.

* * * * *

[Proc. Cir. 15, Dec. 31, 1947, Dept. of the Army] (Sec. 1 (a), (b), 54 Stat. 712, 55 Stat. 838; 41 U. S. C. prec. sec. 1 note, 50 U. S. C. App. Sup. 601-622; E. O. 9001, Dec. 27, 1941, 6 F. R. 6787)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-529; Filed, Jan. 19, 1948; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51826]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

EXEMPTIONS ACCORDED TO PUBLIC INTERNATIONAL ORGANIZATIONS

Section 10.30a, Customs Regulations of 1943 (19 CFR 10.30a), as amended by T. D. 51657 (12 F. R. 2383), T. D. 51713 (12 F. R. 4450), and T. D. 51776 (12 F. R. 6949), is hereby further amended as follows:

Paragraph (a) is amended by deleting the word "and" before "the International Refugee Organization," by changing the period thereafter to a comma, and by adding the following: "and the International Cotton Advisory Committee."

The first sentence of footnote "33b" is amended to read as follows:

Executive Orders Nos. 9698, 9751, 9823, 9863, 9887, and 9911, dated February 19, 1946, July 11, 1946, January 24, 1947, May 31, 1947, August 22, 1947, and December 19, 1947, respectively.

(Secs. 498, 624, 46 Stat. 728, 759, 59 Stat. 669; 19 U. S. C. 1498, 1624, 22 U. S. C., Sup. 288b. E. O. 9698, Feb. 19, 1946, E. O. 9751, July 11, 1946, 3 CFR, 1946 Supp., E. O. 9823, Jan. 24, 1947, 12 F. R. 551, E. O. 9863, May 31, 1947, 12 F. R. 3559, E. O. 9887, Aug. 22, 1947, 12 F. R. 5723, E. O. 9911, Dec. 19, 1947, 12 F. R. 8719)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: January 13, 1948.

JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 48-533; Filed, Jan. 19, 1948; 8:49 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 222—DEFINITION AND CREDITABILITY OF COMPENSATION

ALLOWANCES IN LIEU OF VACATION

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U. S. C. 228j), § 222.3 of the regulations of the Railroad Retirement Board under such act (4 F. R. 1477, 6 F. R. 298, 12 F. R. 466) is amended by Board Order 47-455, dated December 11, 1947 by the addition of paragraph (i), which reads as follows:

§ 222.3 *Creditability of compensation.*
* * *

(i) *Allowances in lieu of vacation.* Compensation shall include allowances in lieu of vacation. If an employee dies, or ceases service for the purpose of receiving an annuity, and a vacation allowance is thereafter paid, such allowance shall be credited to the last day of service, but the Board may, in the interest of the employee, allocate the compensation to a period during his life following the last day of service equivalent to the entire vacation period.

(Sec. 10, 50 Stat. 314; 45 U. S. C. 228j)

Dated: January 12, 1948.

By authority of the Board.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 48-519; Filed, Jan. 19, 1948; 8:55 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Housing Expediter Appeals Order as Revised June 6, 1947, Amdt. 1]

PART 853—RULES OF PRACTICE AND PROCEDURE, INCLUDING FORMS AND INSTRUCTIONS

FILING OF APPEALS

Housing Expediter Appeals Order as revised June 6, 1947 (§ 853.1), 12 F. R. 3740, is amended in the following respect:

1. Paragraph (e) is amended by designating the paragraph entitled "Where to file" as subparagraph (1) and by adding a new subparagraph (2) to read as follows:

(2) *Time of filing.* Appeal from administrative action may be filed not later than 30 days after the date of notice of the administrative action from which the appeal is taken.

Where administrative action has been taken prior to the effective date of this amendment, an appeal from such action may be filed not later than 30 days after the effective date of this amendment.

This amendment shall become effective on January 15, 1948.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 48-583; Filed, Jan. 16, 1948; 4:07 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5599]

PART 176—DRAWBACK ON DISTILLED SPIRITS AND WINES

MISCELLANEOUS AMENDMENTS

1. The act of July 14, 1947 (Pub. Law 185, 80th Cong.) amends subsection (b) of section 3179 of the Internal Revenue Code to read as follows:

(b) *Drawback.* Upon the exportation of distilled spirits and wines manufactured or produced in the United States on which an internal-revenue tax has been paid, and which are contained in any cask or package or in bottles packed in cases or other containers, there shall be allowed, under regulations to be prescribed by the Commissioner, with the approval of the Secretary, a drawback equal in amount to the tax found to have been paid on such distilled spirits and wines: *Provided*, That such distilled spirits and wines have been packaged or bottled especially for export, under regulations prescribed by the Commissioner, with the approval of the Secretary. The Commissioner, with the approval of the Secretary, is authorized to prescribe regulations governing the determination and payment of drawback of internal revenue tax on domestic distilled spirits and wines, including the requirement of such notices, bonds, bills of lading, and other evidence of payment of tax and exportation as shall be deemed necessary.

2. On October 10, 1947 notice of proposed rule-making regarding drawback on distilled spirits and wines was published in the FEDERAL REGISTER (12 F. R. 6689).

3. After consideration of such relevant matter as was presented by interested persons, Regulations 28 approved August 29, 1940 (26 CFR, Part 176) are hereby amended in these respects:

(a) Sections 176.16 (b) (2) and 176.19 (b) are revoked;

(b) Sections 176.3 (h-1), 176.17a, 176.17b, 176.17c, 176.17d, 176.17e, 176.17f, 176.17g, 176.17h, 176.17i, 176.17j, 176.17k, 176.17m, 176.17n, 176.17o and 176.17p are added; and §§ 176.1, 176.11 (a), 176.12, 176.13, 176.14, 176.15, 176.16 (b), 176.18, 176.19, 176.20, 176.21, 176.24, 176.31, 176.32, 176.34, 176.35 (a), 176.36, 176.37, 176.39, 176.41, 176.42 (a), 176.46, 176.48, 176.49, 176.52 (a), 176.53, 176.56 and 176.58 are amended.

4. These amendments are designed to extend the provisions of the regulations to cover the packaging as well as the bottling of distilled spirits and wines especially for export with benefit of drawback.

SCOPE OF REGULATIONS

§ 176.1 *Drawback on distilled spirits and wines.* The regulations in this part are prescribed pursuant to the provisions of law governing the allowance of drawback of internal revenue tax on (a) domestic alcohol used in the manufacture or production of flavoring extracts, and medicinal or toilet preparations (including perfumery), upon the exportation of such products, (b) distilled spirits and wines packaged, or bottled, especially for export, upon the exportation thereof, and (c) distilled spirits exported in distillers' original packages containing not less than 20 wine gallons each. (Secs. 2887, 3170, 3176, 3179, as amended, 3351 (c), 3361 (c), as amended, 3791, 4041, I. R. C., and secs. 309 (a), (b), (c), (d) and 313 (d), (i) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d) and 1313 (d), (i)))

DEFINITIONS

§ 176.3 *Definitions.* * * *

(h-1) "Package" shall mean any cask, barrel, drum or other approved container, containing 5 wine gallons or more.

DRAWBACK ON DISTILLED SPIRITS AND WINES BOTTLED OR PACKAGED ESPECIALLY FOR EXPORT

§ 176.11 *Drawback authorized*—(a) *Allowance upon exportation.* The regulations in §§ 176.11 to 176.67, inclusive, are prescribed for the packaging and bottling, especially for export, of distilled spirits and wines manufactured or produced in the United States on which an internal revenue tax has been paid, and for the allowance, upon the exportation thereof, of a drawback equal in amount

to the tax found to have been paid thereon.

* * * * *

§ 176.12 *Exportation.* An exportation is an act defined by § 176.3 (g). The provisions of §§ 176.11 to 176.67, inclusive, relating to the packaging and bottling of distilled spirits and wines especially for export, and the exportation thereof with benefit of drawback, and the forms prescribed for use in connection therewith, shall apply to like packaging, bottling, removal and shipment to American Samoa, Guam, Puerto Rico, the Virgin Islands, and the Panama Canal Zone. There is no authority of law for the packaging or bottling of distilled spirits and wines especially for export, with benefit of drawback, for shipment to Alaska, Hawaii, Kingman's Reef, the Midway Islands, or Wake Island. (Secs. 3179 (b), as amended, 3351 (c), 3361 (c), as amended, I. R. C., and secs. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

BOTTLING AND PACKAGING ESPECIALLY FOR EXPORT

§ 176.13 *Persons authorized to bottle or package*—(a) *Distilled spirits and wines.* Persons who are authorized to bottle distilled spirits under the provisions of the Federal Alcohol Administration Act, and who have qualified either as a rectifier or proprietor of a tax-paid bottling house under internal revenue laws and regulations, may bottle or package, especially for export with benefit of drawback, distilled spirits or wines, or both, manufactured or produced in the United States on which an internal revenue tax has been paid.

(b) *Wines.* Duly qualified winemakers and proprietors of bonded storerooms operating tax-paid premises, may bottle or package, especially for export with benefit of drawback, at their tax-paid premises, wines manufactured or produced in the United States on which an internal revenue tax has been paid. (Sec. 3179 (b), as amended, I. R. C., and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

§ 176.14 *Other regulations applicable.* The provisions of Regulations 11 (26 CFR, Part 189) and Regulations 15 (26 CFR, Part 190) in so far as they are applicable and not inconsistent with the provisions of the regulations in this part, shall govern the bottling and packaging of distilled spirits and wines to be exported with benefit of drawback by proprietors of tax-paid bottling houses and rectifiers.

§ 176.15 *Export storage room*—(a) *Construction.* Winemakers and proprietors of bonded storerooms, intending to bottle or package tax-paid wines especially for export with benefit of drawback, shall provide, at their tax-paid premises, an export storage room suitable for the storage of such wines pending their removal for export. The room must be so situated and constructed that the wines will be properly protected pending their removal for exportation. Such room shall be equipped for locking with a Government seal lock, the key of which shall be kept by the storekeeper-gauger or designated officer, and shall be locked and kept locked except when necessarily open for the proper conduct of the export business.

(b) *Notice of intention to bottle or package.* When an export storage room has been provided in accordance with the preceding paragraph, the winemaker or proprietor of a bonded storeroom, either before or at the time of filing application to dump wines for bottling or packaging especially for export, as hereinafter provided, shall file with the district supervisor a written notice of his intention to bottle or package wines especially for export at his tax-paid premises. Such notice shall also show the location and nature of construction of the export storage room. (Sec. 3179 (b), I. R. C., as amended, and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

BOTTLING OR PACKAGING WITHOUT RECTIFICATION

§ 176.16 *Bottling of distilled spirits or wines without rectification by rectifiers and proprietors of tax-paid bottling houses.* * * *

(b) *Approval of Form 230.* The bottler shall submit all copies of the application (Form 230) to the storekeeper-gauger. The officer shall examine the packages described in the application and the scalped portions of tax-paid stamps, or the affidavit or statement in lieu thereof attached to the original of the form, and if he finds that the spirits or wines to be bottled especially for export are as described and have been lawfully tax-paid, and all copies of the form are properly prepared, he shall execute his certificate and the authorization for bottling, and return all copies to the bottler.

* * * * *

PACKAGING OF DISTILLED SPIRITS AND WINES WITHOUT RECTIFICATION

§ 176.17a *Packaging of distilled spirits and wines*—(a) *Application, Form 1684.* Where unrectified spirits or wines, or spirits and wines which have been previously rectified, are to be dumped for packaging especially for export by a rectifier or proprietor of a tax-paid bottling house, or where unrectified wines or wines which have been previously rectified are to be dumped for packaging especially for export by a winemaker, the packer shall prepare a separate application on Form 1684, in triplicate, for each lot of spirits or wines to be packaged, giving all the data called for by the headings of the columns and lines and instructions printed on the form. Each Form 1684 shall be given a serial number, beginning with "1" for the first day of January of each year and running consecutively thereafter to December 31, inclusive.

(b) *Spirits or wines previously rectified.* Where spirits or wines to be dumped have been rectified, there must be attached to the Form 1684 Forms 122 and 237 covering the dumping, rectification, and original packaging of the liquors. In the event imported spirits or wines entered into the original production of the liquors, Form 1583, procured from the collector of customs at the port of entry and showing internal revenue tax had been collected thereon, must be attached to the Form 1684. The Form 1684 shall make reference to the Forms 122 and 237 covering the original dumping and rectification of the spirits or wines. (Sec. 3179 (b), I. R. C., as amended, and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

§ 176.17b *Evidence of tax-payment to be attached to form*—(a) *Stamps.* If distilled spirits to be dumped are contained in stamped packages, the stamps thereon must be scalped and securely attached to the application.

(b) *Lost or mutilated stamps.* Where a stamp has been lost or mutilated so that the required portion thereof cannot be returned, an affidavit, setting forth all the facts in the case, shall be made by the applicant and attached to the original copy of the application.

(c) *Form 1595.* If spirits to be packaged were received in a tank car, or by pipe line, the application shall show, in addition to other required data, the serial number of the certificate of tax-payment (Form 1595) and the date it was submitted to the district supervisor.

(d) *Form 230.* Where the spirits or wines to be packaged have been dumped from the stamped container in which received, the application shall show, in addition to other required data, the date and serial number of the Form 230 pursuant to which the spirits or wines were dumped.

(e) *Wine stamps.* Since it is impracticable to cut out or scalp wine stamps, the applicant shall, whenever wines are to be dumped from properly stamped containers, certify to such fact by writing the words "wine stamps attached to the containers" in the column provided for the description of stamps on the Form 1684. If the wine to be dumped is in an unstamped container, the applicant shall attach to each copy of the Form 1684 a statement explaining the absence of wine stamps.

(f) *Distilled spirits or wines in stamped bottles.* Domestically produced spirits and wines may be dumped from bottles for packaging only when they are contained in cases as originally packed and the tax-paid status is properly shown. In the case of rectified products there must be attached to the Form 1684 Forms 122 and 237 covering the dumping, rectification, and original bottling of the liquors. In the case of tax-paid distilled spirits or wines, which have been bottled without rectification, Form 230 covering the original bottling of the liquors must be attached to the Form 1684. In the event imported spirits or wines entered into the original production of the liquors, Form 1583, procured from the collector of customs at the port of entry and showing internal revenue tax had been collected thereon, must be attached to the Form 1684. The Form 1684 shall make reference to the Forms 122, 230 and 237 covering the original dumping and rectification or bottling of the spirits or wines.

(g) *Action by storekeeper-gauger.* Where scalped portions of stamps denoting payment of internal revenue tax are not attached by reason of facts or circumstances described in paragraphs (b), (c), (d), (e) and (f) of this section, the distilled spirits or wines must be inspected by the storekeeper-gauger before being dumped. The officer must satisfy himself that the distilled spirits or wines have been lawfully tax-paid, and shall attach to each copy of the Form 1684 a statement, over his signature, setting forth (1) the reason why the scalped portions of the stamps are not attached and (2) the facts upon which he based his findings. (Sec. 3179 (b), I. R. C., as amended, and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

§ 176.17c *Approval of Form 1684.* The packer shall submit all copies of the application (Form 1684) to the storekeeper-gauger. The officer shall examine the containers described on the form and the scalped portions of the tax-paid stamps or the affidavit or statement in lieu thereof, attached to each copy of the form. If he finds the distilled spirts or wines to be lawfully tax-paid and not subjected to any act of rectification after dumping by the packer and finds the entries on the application are properly and correctly given, he shall execute his certificate and the authorization for packaging and return all copies of the form to the rectifier. (Sec. 3179 (b), I. R. C., as amended, and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

§ 176.17d *Transfer of spirits or wines to package filling tank.* Upon approval of the Form 1684 by the storekeeper-gauger, as provided in § 176.17c, the distilled spirits or wines shall be transferred to a package filling tank where, after reduction to the desired proof (if reduced in proof) the packer shall gauge the distilled spirits or wines in accordance with the applicable provisions of § 176.17j and enter the details of his gauge (corrected to volume in accordance with Table 7 of the Gauging Manual (26 CFR, Part 186)) on all copies of the Form 1684 and attach one copy of the form to the tank: *Provided*, That (a) where the dumping and reducing tank is constructed in accordance with the provisions of § 190.40a of Regulations 15 (26 CFR, Part 190) or § 189.18a of Regulations 11 (26 CFR, Part 189), as the case may be, and is equipped for locking with Government locks, or (b) where the bottling tank is equipped with an approved outlet for filling packages and such outlet is equipped for locking with a Government lock when not in use, such tank may be used as the package filling tank. The proof determined by gauging the contents of the tank shall be regarded as the proof of the spirits run into all packages filled from the tank. Except as provided in § 176.17f, all unrectified spirits and wines packaged especially for export shall be packaged from an approved package filling tank or dumping and reducing tank or bottling tank. (Sec. 3179 (b), I. R. C., as amended, and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

§ 176.17e *Reduction in proof of spirits.* Unrectified distilled spirits may be reduced in proof prior to being drawn into packages. The reduction in proof or the increase in volume of rectified spirits on which the rectification tax has been paid is prohibited by law, unless the spirits are again rectified and the rectification tax again paid thereon. However, a restoration of the proof and volume of rectified spirits upon which the rectification tax has been paid, by the addition of water, preparatory to being drawn into packages, shall not be deemed a reduction in proof or an increase in volume within the meaning of section 2801 (b) of the Internal Revenue Code. Section 2801 (b) of the Internal Revenue Code is not applicable to the reduction in proof of domestically rectified spirits exempt from rectification tax. (Secs. 2801 (b), (e) (1), 3176, 3179 (b), as amended, I. R. C.)

§ 176.17f *Packaging from original container.* Where authorized by the district supervisor, wines, cordials, and liqueurs that require packaging from the original container may be so packaged. A packer desiring to package such liquors from the original containers must request approval of the district supervisor, in writing, describing the liquors and showing the necessity for packaging the same from the original container. The district supervisor will authorize the packaging from the original container of any wines, cordials, and liqueurs which it is impracticable to package from an approved filling tank. (Secs. 3176, 3179 (b), as amended, I. R. C.)

§ 176.17g *Locking of the filling tank.* At the time of opening the inlet to the filling tank, the dumping and reducing tank or bottling tank, as the case may be, the store-keeper-gauger shall lock the outlet thereof. The outlet must remain closed and locked until the spirits or wines have been transferred to the tank, the inlet closed and locked, and the quantity of spirits or wines in the tank determined. The inlet of the tank must remain locked until all spirits or wines within the tank have been drawn into packages and the outlet has been closed and locked. (Secs. 2801 (e) (1), 3176, 3179 (b), as amended, I. R. C.

§ 176.17h *Rinsing of barrels; destruction of stamps, marks, etc.* When spirits or wines are dumped for packaging without rectification the provisions of §§ 190.192, 190.194, 190.195 and 190.238 of Regulations 15 (26 CFR, Part 190) and §§ 189.85, 189.86 and 189.87 of Regulations 11 (26 CFR, Part 189) respecting the destruction of stamps and marks and brands, the rinsing of barrels and woodchips contained therein, and disposition of woodchips, when packages are dumped, shall be applicable. (Secs. 3176, 3179 (b), as amended, I. R. C.)

§ 176.17i *Filling of packages.* Packages of distilled spirits or wines, for exportation with benefit of drawback, may be filled only under the immediate personal supervision of the storekeeper-gauger. The packages shall be filled pursuant to the rules prescribed in the Gauging Manual (26 CFR, Part 186) and shall be filled to capacity, except (a) where the Commissioner authorizes a certain wantage in each package for expansion and (b) where there are insufficient spirits or wines at the end of the operation to fill the last package, in which case the remaining liquor may be removed for domestic purposes or drawn into a remnant package containing not less than 5 wine gallons for exportation. Proper notation shall be made on Form 1684 of the disposition of any spirits or wines not drawn into packages for exportation. (Secs. 3176, 3179 (b), as amended, I. R. C.)

§ 176.17j *Gauging of spirits and wines*—(a) *Determining proof of unsweetened spirits.* The proof of distilled spirits and rectified spirits to which saccharine or other solid matter has not been added shall be determined by the use of a standard hydrometer.

(b) *Determining alcoholic content of wines and proof of sweetened spirits.* The alcoholic content (1) of blended whiskies containing more than 0.6 gram or 600 milligrams of solids per 100 milliliters derived from blending materials such as sherry wine, prune juice, caramel, glycerine, etc., and (2) of wines, cordials, liqueurs, and other products containing saccharine or other solid matter will be determined by the use of an approved ebulliometer or a small laboratory still provided by the packer. When using such instruments the packer must follow closely the instructions furnished therewith in order that accurate determinations may be made. Instructions relative to the use of small laboratory stills (or wine sets) and the following ebulliometers: Arnaldo-Sala (with shield), Braun, Juerst, Lefco, L'Ebulliometer Levesque (with shield), Malligand (with shield), Salleron-Dujardin, "TAG" (with shield), and E. B. Torino (with shield), are also set forth in the Appendix to Regulations 7, Wine—1945 (26 CFR, Part 178). The alcoholic content of blended spirits containing not more than 0.6 gram or 600 milligrams of solids per 100 milliliters derived from blending materials will be determined by the use of a standard hydrometer or a small still. If determined by a standard hydrometer an obscuration correction factor may be added to the apparent proof in order to obtain the true proof of the blended spirits. Experience has shown that 0.1 gram or 100 milligrams of solids per 100 milliliters will obscure the true proof 0.4 of 1° of proof. For example, if a blended whisky contains 0.25 gram or 250 milligrams of solids per 100 milliliters and the apparent proof corrected to 60° Fahrenheit is found to be 89° proof by a standard hydrometer, a correction factor of 1° of proof (2.5 times 0.4) due to the solids may be added to the apparent proof, hence the true proof would be 90°. The solids in blended spirits due to blending materials will be determined by evaporating 25 milliliters of the blended spirits in a weighed dish on a steam bath and then heating for 30 minutes at the temperature of boiling water in a drying oven. The solids thus determined, multiplied by 4, will give the solids

in 100 milliliters of blended spirits. The correction factor to be used then will be determined on the basis that every 100 milligrams of solids will obscure the proof 0.4 of 1° of proof. The ebulliometer should not be used in determining the alcoholic content of blended spirits containing not more than 0.6 gram or 600 milligrams of solids per 100 milliliters.

(c) *Determining contents by weight.* Unrectified spirits and rectified spirits containing not more than 0.6 gram or 600 milligrams of saccharine or other solid matter per 100 milliliters which are drawn into packages may be gauged by weight in accordance with the official Gauging Manual. To this end accurate scales must be provided. Government officers shall frequently test, by means of the test weights provided by the rectifier or proprietor of the tax-paid bottling house, the accuracy of the scales used for weighing packages.

(d) *Determining contents by measure.* Packages of rectified spirits, wines, cordials, liqueurs, and other products containing saccharine and other solid matter shall be gauged by measure to determine the wine-gallon content (corrected to volume in accordance with Table 7 of the Gauging Manual); the proof-gallon content shall then be determined by multiplying the wine-gallon content by the proof (pointed off in two decimal places) of the spirits. The capacity of each package must be ascertained before the liquors are placed therein, or the quantity to be placed in each package must first be ascertained by actual measure in another vessel provided for that purpose: *Provided, however,* That the quantity in wine gallons of any liquor placed in packages may be determined by weight if the specific gravity of the liquor is ascertained and used in calculating the volume. (Secs. 3170, 3176, 3179 (b), as amended, I. R. C.)

§ 176.17k *Stamps not required on packages.* No rectifier's stamps or wholesale liquor dealer's stamps shall be affixed to packages of distilled spirits or wines filled especially for export with benefit of drawback (Sec. 3179 (b), I. R. C., as amended).

§ 176.17m *Verification by storekeeper-gauger.* The storekeeper-gauger shall, upon completion of the process of filling of packages, including the marking and branding of the packages, complete his verification of the packer's certificate on Form 1684 and supervise the removal of the spirits or wines to the export storage room. (Sec. 3179 (b), as amended, I. R. C., and secs. 309 (a), (b), (c), (d) and 313 (d), (i) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

§ 176.17n *Disposition of Form 1684.* Immediately after the completion of the packaging and the proper completion of Form 1684, the packer shall forward two copies of the Form 1684 (one, the original with the tax-paid stamps or other evidence of tax-payment attached) to the district supervisor and shall retain the remaining copy. (Sec. 3179 (b), as amended, I. R. C., and secs. 309 (a), (b), (c), (d) and 313 (d), (i) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

§ 176.17o *Action by the district supervisor.* Upon receipt of the Form 1684 the district supervisor shall prepare Form 1600 using as a basis therefor the dumping and packaging record, Form 1684. He shall then forward the Form 1600 to the Commissioner with a copy of the Form 1684. The Forms 1684 and 1600 will be retained by the Commissioner for use in connection with examination and certification of the claims for drawback on such spirits or wines. (Sec. 3179 (b), as amended, I. R. C., and secs. 309 (a), (b), (c), (d) and 313 (d), (i) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d) and 1313 (d), (i)))

§ 176.17p *Transfer and storage pending exportation.* Spirits or wines packaged especially for export under the provisions of the regulation in this part may be transferred from the export storage room pursuant to Form 1656 to another export storage room at the port of exportation, for storage pending release for direct exportation or use as supplies on vessels or aircraft. Such export storage room at the port of exportation may be established by the proprietor of a tax-paid bottling house or a rectifying plant, under the provisions of Regulations 11 (26 CFR, Part 189) or Regulations 15 (26 CFR, Part 190) whether or not the proprietor intends to package distilled spirits or wines especially for export. Form 1656 shall be executed in quadruplicate (or quintuplicate, if the spirits or wines are to be transferred to another supervisory district) by the packer or exporter after appropriate arrangements have been made by him with the proprietor of the export storage room at the port of exportation for such storage. All copies of the form will then be submitted to the district supervisor, or designated officer, for approval. On approval thereof, the spirits or wines may be released by the Government officer for transfer. The officer shall retain one copy for his files, furnish one copy to the packer, forward one copy to the district supervisor, and forward one copy to the consignee. If the spirits or wines are transferred to another district, the storekeeper-gauger shall forward one copy to the district supervisor of such district. Spirits or wines so transferred and stored will be entered for drawback and marked and released for exportation, etc., in accordance with the procedure prescribed in §§ 176.35 to 176.38, inclusive. (Sec. 3179 (b), as amended, I. R. C., and secs. 309 (a), (b), (c), (d) and 313 (d), (i) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d) and 1313 (d), (i)))

RECTIFICATION AND BOTTLING OR PACKAGING

§ 176.18 *Application, Form 122.* Rectifiers shall prepare a separate application on Form 122, "Rectifier's Application to Dump Spirits, Wines, or other Liquors, and Return of Gauge," in triplicate, for each lot of spirits or wines to be rectified before being bottled or packaged for exportation with benefit of drawback. The rectifier shall insert in each copy of the form, after the description of the packages to be dumped for rectification, a notice of intention as follows:

The above described spirits (or wines) will, after rectification, be bottled (or packaged) pursuant to approval of Form 237 especially for export with benefit of drawback.

(Sec. 3179 (b), as amended, I. R. C., and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

§ 176.19 *Approval of Form 122.* All copies of the Form 122 shall be submitted for approval of the storekeeper-gauger assigned to supervise rectifying operations. The storekeeper-gauger shall examine the packages described in the application and the scalped portions of the tax-paid stamps or the affidavit or statements in lieu thereof, attached to the original of the form, and, if he finds that the spirits or wines to be dumped for rectification and bottling or packaging especially for export are as described, and have been lawfully tax-paid, and the forms are properly prepared, he shall execute his certificate and authorize the rectifier to dump the packages described in the application and return all copies of the form to the rectifier. Immediately after dumping the spirits or wines, the rectifier shall forward two copies of the Form 122 (one, the original, with the cut-out portions of the tax-paid stamps, or other prescribed evidence of tax-payment, attached) to the district supervisor, and retain the remaining copy of such form on file at the rectifying plant. (Sec. 3179 (b), as amended, I. R. C., and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

§ 176.20 *Mixing of distilled spirits or wines tax-paid at different rates.* When a rectifier manufactures distilled spirits to be bottled or packaged especially for export with benefit of drawback by a process of rectification involving the mixing of distilled spirits and wines upon which basic taxes were paid at different rates (i. e., alcohol and wine, brandy and wine, etc.), he shall note on Form 122 the number of proof gallons of each kind of spirits and the number of wine gallons, and percentage of alcohol, of the wine mixed together in the processing receptacle, and no further mixing of such spirits or wines with spirits or wines contained in any other receptacle shall be made unless a similar notation is made on Form 122. (Sec. 3179 (b), as amended, I. R. C., and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

§ 176.21 *Application, Form 237—(a) Procedure.* The rectifier shall make application on Form 237 to bottle or package rectified spirits especially for export or package such spirits for subsequent bottling especially for export in accordance with the applicable provisions of §§ 190.276 to 190.309, inclusive, of Regulations 15 (26 CFR, Part 190), and an additional copy of such form shall be prepared in each case. A notice of intention shall be inserted by the rectifier

in each copy of Form 237, after the description of the spirits or wines, as follows:

The above described spirits (or wines), rectified pursuant to Form 122, serial number ____, dated _____, 19__, are to be bottled (or were packaged) especially for export with benefit of drawback.

When the process of manufacturing spirits or wines in accordance with the provisions of § 176.20 has been completed, the rectifier shall note on Form 237 the quantities of distilled spirits, or wines, or both (calculated on a proof-gallon basis as to spirits and on a wine-gallon basis as to wines) used in manufacturing the spirits or wines. If commercial flavoring extracts, containing alcohol, not prepared by the rectifier on his rectifying premises, are used in manufacturing the spirits or wines, the rectifier shall also show on Form 237, as to each kind of flavoring material, the quantity thereof in wine gallons, the percentage of alcohol by volume in such flavoring extracts, and whether drawback under section 3250 (1), Internal Revenue Code, has been or will be claimed on the alcohol contained therein. The rectification tax and wine tax, if due, will then be paid and Form 237 disposed of in accordance with the applicable provisions of §§ 190.276 to 190.309, inclusive, of Regulations 15 (26 CFR, Part 190). The additional copy of Form 237 will be forwarded to the district supervisor with the original copy of Form 237. Upon completion of the bottling or packaging operations, the storekeeper-gauger shall supervise the deposit of the spirits or wines in the export storage room, except as provided by § 176.22.

(1) Each package of distilled spirits or wines filled by rectifiers for export with benefit of drawback shall be marked and branded in accordance with the provisions of § 176.31 and in addition shall bear the words "for export from U. S. A." If the spirits or wines are to be exported by a person other than the rectifier, the name and address of the exporter, preceded by the words "For" or "Packaged for," may also be marked upon the package.

(b) *Tax-paid certificate.* Upon receipt of Form 122, as provided by section 176.19, and the Form 237, as herein provided, the district supervisor shall prepare Form 1600, using as a basis therefor the dumping and bottling or packaging records, Forms 122 and 237. He will then forward the Form 1600 to the Commissioner with a copy each of the Forms 122 and 237, and Form 1583, if any. Forms 122, 237, 1583 and 1600 will be retained by the Commissioner for use in connection with the examination and certification of the claim for drawback on such spirits or wines.

(c) *Transfer and storage pending exportation.* Spirits and wines bottled or packaged especially for export under the provisions of this section may be transferred from the export storage room of the bottler or rectifier, pursuant to Form 1656, to another export storage room at the port of exportation for storage pending release for direct exportation or use as supplies on vessels or aircraft, in accordance with the procedure prescribed in § 176.16 (f). Such export storage room at the port of exportation may be established by the proprietor of a tax-paid bottling house or a rectifier, under the provisions of Regulations 11 (26 CFR, Part 189) or 15 (26 CFR, Part 190) whether or not the proprietor of the tax-paid bottling house or the rectifier intends to bottle or package distilled spirits or wines especially for export. (Sec. 3179 (b), as amended, I. R. C., and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

SEPARATE BOTTLING AND PACKAGING

§ 176.24 *Separate bottling and packaging.* The bottling or packaging of distilled spirits or wines especially for export with benefit of drawback at rectifying plants and at tax-paid bottling premises, and such packaging or bottling of wines at tax-paid premises of winemakers and proprietors of bonded storerooms, shall be conducted separately from the bottling or packaging of spirits or wines for domestic purposes: *Provided,* That where small lots are packaged or bottled, necessitating the dumping of not less than the contents of one or more full barrels, in the case of unrectified spirits or wines, or the minimum number of full barrels which may be dumped in the case of spirits which are to be rectified, the remaining portions of such lots not removed for export may be removed for domestic purposes. In the case of rectified spirits or wines, rectified and bottled or packaged by rectifiers, the remnant may be further rectified, if desired, for domestic purposes subject to payment of the rectification tax on the finished product resulting from such additional rectification. Any spirits or wines to be so removed for domestic purposes must be reported as a separate item on Forms 122, 230, 237 or 1684, as the case may be.

(a) *Claim required on Form 1582.* Where distilled spirits and wines are mixed in the process of rectification, for bottling or packaging especially for export with benefit of drawback, claim for drawback of the distilled spirits tax, the rectification tax, and the tax under section 3030 (a), Internal Revenue Code, as amended, shall be made on Form 1582.

Separate claim on Form 1582–A will not be required in such cases. (Sec. 3179 (b), as amended, I. R. C., and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

MARKING OF CASES AND PACKAGES

§ 176.31 *Required marks by rectifiers and proprietors of tax-paid bottling houses*—(a) *Cases.* Each case of distilled spirits or wines filled by rectifiers for export with benefit of drawback shall bear on one side the markings required by Regulations 15 (26 CFR, Part. 190); and each case filled for the same purpose by proprietors of tax-paid bottling houses shall bear on one side the markings required by Regulations 11 (26 CFR, Part. 189). Each case shall also bear on the same side the words "For export from U. S. A." If the spirits or wines are to be exported by a person other than the bottler, the name and address of the exporter, preceded by the words "For," "Bottled for," or "Bottled expressly for," may also be marked upon the case. The method of marking the cases shall be in accordance with the applicable provisions of Regulations 15 or 11, as the case may be.

(b) *Packages of distilled spirits.* Each package of distilled spirits filled for export with benefit of drawback shall be numbered serially beginning with "1" for the first package filled: *Provided,* That such serial numbers shall be in sequence to the series in current use at existing plants for the numbering of cases or other packages and: *Provided further,* That, where cases and packages are filled simultaneously and it is impracticable to number the cases and packages consecutively, separate series of numbers followed by an identifying letter may be used for the packages. In addition to the serial number, there shall be plainly and durably burned, cut, imprinted, or stenciled on the Government head of each barrel or similar container of distilled spirits (1) the kind of spirits; (2) the wine gallon content; (3) the proof of spirits; (4) the proof gallon content; (5) the tare of the container; (6) the date of filling; (7) the name of the packer; (8) the location (city or town and State) of the plant where packaged; and (9) the words "For export from U. S. A." If the spirits are to be exported by a person other than the packer the name and address of the exporter, preceded by the words "For," "Packaged for," or "Packaged expressly for," may also be marked upon the package.

(c) *Packages of wines.* The packer shall place marks upon packages of wine similar to the marks required by the foregoing paragraph to be placed upon packages of distilled spirits, except: The tare need not be marked on the packages; the alcoholic content of the wine shall be shown in percentage by volume in lieu of the proof, and, in the case of unrectified wine, the proof gallons may be omitted. (Sec. 3179 (b), as amended, I. R. C., and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

§ 176.32 *Required marks by winemakers and proprietors of bonded storerooms*—(a) *Cases.* Each case of wines filled by winemakers and proprietors of bonded storerooms for export with benefit of drawback shall be numbered serially, beginning with number 1 for the first case filled, and shall be marked with the name of the bottler, the location of the bottling establishment (by city or town and State), the kind and alcoholic content (taxable grade) of the wine, the contents of the case in wine gallons, and the words "For export from U. S. A.": *Provided,* That the bottler may in lieu of his name, and the location of the bottling establishment, place upon the case the registry number of his bonded winery or bonded storeroom, preceded by the letters "B. W." or "B. S.," respectively, and followed by symbols indicating the State in which the bonded winery or bonded storeroom is located, as "B. W. No. 2–NY," for the name and address of the proprietor of Bonded Winery No. 2 located in New York State. If the wines

are to be exported by a person other than the bottler, the name and address of the exporter, preceded by the words "For," "Bottled for," or "Bottled expressly for," may also be placed upon the case. The required marks will be durably and plainly printed, stamped, or stenciled on one side of the case in a color contrasting with the background of the case, and in letters and figures not less than one-half inch in height.

(b) *Packages.* Packages of wines filled by winemakers or proprietors of bonded storerooms for export with benefit of drawback shall be marked in accordance with the provisions of § 176.31 (c). (Sec. 3179 (b), as amended, I. R. C., and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

BOTTLING AND PACKAGING RECORDS

§ 176.34 *Record of spirits and wines bottled or packaged especially for export*—(a) *By rectifiers and proprietors of tax-paid bottling houses.* The receipt, rectification, bottling, packaging, and disposition of distilled spirits and wines bottled or packaged especially for export, with benefit of drawback, shall be entered by the rectifier on Form 45, "Rectifier's Monthly Record and Report." All applicable information indicated by the headings of the columns and lines and the instructions printed on the form will be entered thereon. The receipt, bottling, packaging, and disposition of distilled spirits or wines bottled or packaged especially for export with benefit of drawback, by proprietors of tax-paid bottling houses, shall be entered on Form 52–D, "Monthly Record and Report of Tax-Paid Bottling House Operations." All applicable information indicated by the headings of the columns and lines, and the instructions printed on the form, will be entered thereon.

(b) *By winemakers and proprietors of bonded storerooms.* The receipt, bottling, packaging and disposition of wine bottled or packaged especially for export with benefit of drawback shall be entered by winemakers and proprietors of bonded storerooms on Form 52–D, "Monthly Record and Report of Tax-Paid Bottling House Operations." All applicable information called for by the headings of the columns and lines, and instructions printed on the form, shall be entered thereon. Transcripts of Form 52–D shall be forwarded to the district supervisor on or before the tenth day of the succeeding month.

ENTRY FOR DRAWBACK

§ 176.35 *Claim and entry*—(a) *Form 1582 or Form 1582–A.* Claim for allowance of drawback of internal revenue taxes on distilled spirits or wines manufactured or produced in the United States and bottled or packaged especially for export, and entry for the exportation of such spirits or wines with benefit of drawback, shall be prepared by the exporter on Form 1582, in quadruplicate, for distilled spirits, and Form 1582–A, in quadruplicate, for wines. All copies of Form 1582 or Form 1582–A, with Part 1 and Part 2, executed, shall be filed by the exporter with the district supervisor of the district wherein is located the export storage room in which the spirits or wines are stored at the time of exportation. All the information called for, as indicated by the headings of the columns, and the lines of the form, and the instructions printed on the form, shall be furnished.

* * * * *

§ 176.36 *Authority to release liquors.* If the district supervisor finds that the claim and entry are properly executed, and the spirits or wines described in the entry have, according to the records of his office, been bottled or packaged especially for export, he shall execute Part 3 of Form 1582, or Part 3 of Form 1582–A, as the case may be, authorizing the Government officer to whom it is addressed to release the spirits or wines for shipment. (Sec. 3179 (b), as amended, I. R. C., and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

§ 176.37 *Inspection marks.* Before the spirits or wines are released, the following marks in plain, durable letters and figures must be stenciled or marked upon the case or package:

Drawback claimed by_____
(Name of claimant)
Supervisory District No. _____
Inspected_____, 19_____
_____S. G.

The first two lines must be filled in by the exporter (or by the packer or bottler for him) and the last two by the Government officer. The name of the Government officer may be placed on the case or package by means of a rubber stamp. (Sec. 3179 (b), as amended, I. R. C., and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

CERTIFICATE OF COLLECTOR OF CUSTOMS OF TAX ON IMPORTED SPIRITS

§ 176.39 *Certificate, Form 1583.* Where spirits or wines manufactured (rectified) in the United States from imported spirits or wines are bottled or packaged especially for export with benefit of drawback, the collector of customs at the port where the entry or withdrawal for consumption was made shall, upon application in writing by the rectifier, execute a certificate on Form 1583, in triplicate, showing that internal revenue tax has been collected on the imported spirits or wines described in the application. Two copies of the certificate shall be forwarded by the collector of customs to the district supervisor of the Alcohol Tax Unit district in which the spirits were rectified. The remaining copy shall be retained by the collector of customs. Such certificates shall be serially numbered, beginning with number 1 for each customs district. (Sec. 3179 (b), as amended, I. R. C., and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

§ 176.41 *Certificate required before approval of claim.* The Commissioner will not approve a claim for drawback on spirits or wines manufactured from imported spirits or wines and bottled or packaged especially for export prior to the receipt of the certificate, Form 1583, of the collector of customs, showing that internal revenue tax has been collected on such imported spirits or wines. (Sec. 3179 (b), as amended, I. R. C., and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

DRAWBACK BOND

§ 176.42 *Drawback bond.* (a) Except as provided by § 176.45, the exporter shall, either before or at the time of the execution of his first entry for drawback on Form 1582 or Form 1582–A, file with the district supervisor a drawback bond on Form 1581, in triplicate, for distilled spirits, or Form 1581–A, in triplicate, for wines, to insure bona fide exportation of the spirits or wines on which drawback is claimed, and the procurement and submission of the required evidence of the landing of such spirits or wines at the designated foreign port, or the use thereof as supplies on vessels or aircraft in accordance with § 176.11 (b), or the loss of such spirits or wines after shipment outside the jurisdiction of the United States, without fault or negligence on the part of the exporter. The bond must be furnished with acceptable corporate surety or individual sureties or secured by the deposit of proper collateral. Where bond is furnished on Form 1581, revised May 1942, or Form 1581–A, revised January 1942, or on prior issues of such forms, to cover spirits or wines in bottles, consent of surety must be furnished to extend the conditions of the bond to cover such spirits or wines in packages.

* * * * *

§ 176.46 *Bond pre-requisite to claim allowance.* No claim for allowance of drawback on distilled spirits or wines bottled or packaged especially for export, and exported, will be approved until the claimant has furnished the prescribed bond, except as provided by § 176.45. (Sec. 3179 (b), as amended, I. R. C., and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

SHIPMENT OR DELIVERY FOR EXPORT

§ 176.48 *Consignment.* Every case or package of distilled spirits or wines, intended for export with benefit of drawback shall be consigned to the collector of customs at the port of exportation, except that when the shipment is to a contiguous foreign territory it shall be consigned to the foreign consignee at destination, but stenciled or marked in care of the collector of customs or deputy collector of customs at the port of export. In the case of shipment to contiguous foreign territory, the carrier shall deliver the spirits or wines for customs inspection at the port of export before transporting the same to the foreign destination. (Sec. 3179 (b), as amended, I. R. C., and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

§ 176.49 *Direct delivery for customs inspection*—(a) *Bill of lading.* If the export storage room where the distilled

spirits or wines are stored is located at the port of exportation, the exporter shall deliver the shipment directly for customs inspection and supervision of lading. The drawback entry must be filed with the collector of customs at least six hours prior to the lading of the spirits or wines in order to allow opportunity for customs inspection. The exporter must file a copy of the export bill of lading with the district supervisor. The bill of lading must show the exporter as the shipper, the serial numbers of the cases or packages, as the case may be, and the quantity shipped in wine gallons.

* * * * *

CUSTOMS PROCEDURE

§ 176.52 *Customs inspection.* (a) The collector of customs, upon receipt of the drawback entry on Form 1582, or Form 1582–A, shall cause the date and hour of receipt to be stamped on each copy of the form and shall execute Part 5, the order for inspection and lading. The customs inspector to whom the order is delivered shall inspect the export containers of spirits or wines. He shall examine the contents of such containers as are found broken, damaged, or tampered with, or which he is led to suspect do not contain the spirits or wines originally packed therein, and shall make a special report thereon. The customs inspector shall note in his report any deficiency in quantity or discrepancy between the merchandise inspected and that described in the entry. After having complied with the order of inspection, and after the spirits or wines have been duly laden on board the exporting vessel, aircraft, car, or other conveyance, the customs inspector shall complete and sign Part 6, his certificate of inspection and lading on each copy of the form. If the customs inspector has reason to believe that the merchandise is not the same as that originally packed in the containers or discovers any other evidence of fraud, he shall detain the merchandise and notify the collector of customs who shall inform the district supervisor of the Alcohol Tax Unit district in which the port is located. The district supervisor will take appropriate action and immediately report the facts to the Commissioner.

(1) *Bulk containers to be gauged.* Packages of distilled spirits must be carefully gauged, and the volume and percentage of alcohol of wine determined, by a customs gauger and a detailed report of such gauge shall be made on Form 696, in duplicate, modified to show the name of the packer in lieu of the name of the distiller. In preparing the report, the customs gauger shall make entry thereon as to each package in accordance with the column headings. A copy of the gauger's report of gauge shall be attached to each copy of the entry for exportation, Form 1582, and delivered to the collector of customs.

* * * * *

§ 176.53 *Certification of non-inspection.* Spirits or wines in casks, barrels, drums, or other approved containers containing not less than 5 wine gallons must be gauged and inspected by customs officers at the port of exportation. In the case of bottled distilled spirits and wines, whenever the inspecting officer is unable to certify to the actual inspection and lading of the spirits or wines, he shall make his return on Part 7 of Form 1582, or Part 7 of Form 1582–A, stating therein the reasons why the spirits or wines were not inspected by him and laden under his supervision. The officer shall, after the vessel, aircraft, car, or other conveyance has cleared, examine the records of the delivering and exporting steamship, or transport lines for the purpose of verifying the particulars stated in the drawback entry, and will make his certification accordingly. If the records examined show that containers of similar description were laden on the exporting vessel, aircraft, car, or other conveyance for the designated port, the officer shall set forth in his certification, in addition to other data indicated by the form, the date and hour of lading. (Sec. 3179 (b), as amended, I. R. C., and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

§ 176.56 *Allowance in cases of non-inspection.* Where spirits or wines in casks, barrels, drums or other approved containers containing not less than 5 wine gallons are not inspected by a customs officer at the port of export and loaded on the exporting vessel, aircraft, railroad car, motor truck, or other conveyance under his supervision, a claim for drawback thereon shall not be allowed. Where bottled spirits or wines were not inspected by a customs officer at the port of export, and loaded on the exporting vessel, aircraft, railroad car, motor truck, or other conveyance under his supervision, the claim for drawback may, nevertheless, be allowed, provided that the law and regulations were complied with in other respects and the exportation without customs inspection and supervision of lading was not the fault of the exporter or carrier or the agent of either. (Sec. 3179 (b), as amended, I. R. C., and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

§ 176.57 *Action on claim.* The Commissioner will, upon receipt of the claim, Form 1582 or Form 1582–A, from the district supervisor, examine the claim and the records of his office, Forms 122, 230, 237, 1583, 1600 and 1684 previously furnished him as provided by §§ 176.16 to 176.23, inclusive, to determine whether the spirits or wines described in the claim have been fully tax-paid. If the Commissioner finds that such spirits or wines have been fully tax-paid he will approve the claim and schedule it for payment. If the claim is disallowed, the Commissioner will so notify the claimant and state the reasons therefor. (Sec. 3179 (b), as amended, I. R. C., and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d)))

PROOF OF EXPORTATION, ETC.

§ 176.58 *Landing certificate.* Each claimant for drawback on distilled spirits or wines exported must agree in the required bond that he will procure and furnish within six months (or such additional extensions of time as may be granted by the district supervisor or Commissioner), evidence satisfactory to the district supervisor or Commissioner that such distilled spirits or wines have been landed at the designated foreign port or that after shipment the same were lost on land or at sea, outside the juridiction of the United States, without fault or negligence on the part of the exporter. Proof of the foreign landing of the spirits or wines shall, in every case, consist of a duly executed landing certificate except as otherwise provided herein. The landing certificate must give such description of the spirits or wines as will readily identify the shipment to which it relates. It will be in substantially the following form:

Port of _____
_____, 19__.

I, _____, of _____, do hereby certify that the merchandise hereinafter described, shipped by _____, on or about the _____ day of _____, 19__, has been landed at this port, on or about the _____ day of _____, 19__.

Marks and numbers	Number of cases or packages	Name of article	Quantity	
			Wine gallons	Proof gallons [1]

[1] In case of wines, show taxable grade in lieu of proof gallons.

[SEAL] _____

Subscribed and sworn to before me this _____ day of _____, 19__.

[SEAL] _____
(Name)
_____
(Title)

5. This treasury decision shall be effective upon publication in the FEDERAL REGISTER.

(Secs. 2887, 3170, 3176, 3179 (b), 3351 (c), 3361 (c), 3791 and 4041, I. R. C. (U. S. C., title 26, 2887, 3170, 3176, 3179 (b), 3351 (c), 3361 (c), 3791 and 4041) and secs. 309 (a), (b), (c), (d) and 313 (d), (i) of the Tariff Act of 1930, as amended (19 U. S. C., and Sup. V, 1309 (a), (b), (c), (d) and 1313 (d), (i)))

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue,
FRANK DOW,
Acting Commissioner of Customs.

Approved: January 13, 1948.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 48–536; Filed, Jan. 19, 1948; 8:49 a. m.]

[T. D. 5597]

PART 189—BOTTLING OF TAX-PAID SPIRITS

MISCELLANEOUS AMENDMENTS

1. The act of July 14, 1947 (Pub. Law 185, 80th Cong.) amends subsection (b) of section 3179 of the Internal Revenue Code to read as follows:

(b) *Drawback.* Upon the exportation of distilled spirits and wines manufactured or produced in the United States on which an internal-revenue tax has been paid, and which are contained in any cask or package or in bottles packed in cases or other containers, there shall be allowed, under regulations to be prescribed by the Commissioner, with the approval of the Secretary, a drawback equal in amount to the tax found to have been paid on such distilled spirits and wines: *Provided,* That such distilled spirits and wines have been packaged or bottled especially for export, under regulations prescribed by the Commissioner, with the approval of the Secretary. The Commissioner, with the approval of the Secretary, is authorized to prescribe regulations governing the determination and payment of drawback of internal-revenue tax on distilled spirits and wines, including the requirement of such notices, bonds, bills of lading, and other evidence of payment of tax and exportation as shall be deemed necessary.

2. On October 10, 1947 notice of proposed rule-making regarding drawback on distilled spirits and wines was published in the FEDERAL REGISTER (12 F. R. 6695).

3. After consideration of such relevant matter as was presented by interested persons Regulations 11 approved May 20, 1940 (26 CFR, Part 189) are amended by adding § 189.18a and amending §§ 189.11, 189.128, and 189.129.

4. These amendments are designed to extend the provisions of the regulations to cover the packaging as well as the bottling of distilled spirits and wines especially for export with benefit of drawback.

§ 189.11 *Export storage room.* If the proprietor intends to bottle or package distilled spirits or wines for export with benefit of drawback, a separate room for the storage of such products exclusively must be provided and a sign must be placed over the entrance door bearing the words "Export Storage Room." The room must be constructed of substantial, solid materials: *Provided,* That the partitions separating such room from other parts of the tax-paid bottling house may be constructed of expanded metal or woven wire of not less than 9-gauge nor more than 2-inch mesh, extending from the floor to the ceiling or roof. All windows, doors, or other openings must be so constructed that they may be securely locked or fastened from the inside, except the entrance door, which must be so constructed that it may be securely locked from the outside of the room with a Government seal lock. (Secs. 2803, 2871, 3176, 3179 (b), as amended, I. R. C.)

§ 189.18a *Package filling tanks.* Where distilled spirits or wines are to be packaged especially for export with benefit of drawback, tanks suitable for the purpose, and constructed and equipped in accordance with the provisions and requirements of § 189.18 governing the construction and equipment of bottling tanks shall be provided by the bottler. The bottling tank may be used as the package filling tank, provided it is equipped with an approved outlet for filling packages and such outlet is equipped for locking with a Government seal lock when not in use. (Secs. 2803, 2871, 3176, 3179 (b), as amended, I. R. C.) (Secs. 2803, 2871, 3176, 3179 (b), as amended, I. R. C.)

BOTTLING AND PACKAGING OF DISTILLED SPIRITS AND WINES ESPECIALLY FOR EXPORT WITH BENEFIT OF DRAWBACK

§ 189.128 *General.* Under the law, distilled spirits and wines manufactured or produced in the United States and on which the internal revenue tax has been paid may be bottled or packaged especially for export at a tax-paid bottling house, and upon the exportation of the spirits or wines there may be allowed a drawback equal in amount to the tax found to have been paid thereon. (Secs. 2803, 2871, 3176, 3179 (b), as amended, I. R. C.)

§ 189.129 *Procedure.* The bottling and packaging of distilled spirits and wines especially for export at a tax-paid bottling house, the storage of the spirits and wines pending exportation, the exportation of the spirits or wines, including the lading thereof on vessels for use as ship's supplies and on aircraft for use as aircraft's supplies, and the allowance of drawback thereon, shall be in accordance with the provisions of Regulations 28 (26 CFR, Part 176). (Secs. 2803, 2871, 3176, 3179 (b), as amended, I. R. C.)

5. This Treasury decision shall be effective upon publication in the FEDERAL REGISTER.

(Secs. 2803, 2871, 3176 and 3179 (b), as amended, I. R. C. (26 U. S. C. 2803, 2871, 3176, and 3179 (b)))

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: January 13, 1948.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 48-534; Filed, Jan. 19, 1948; 8:49 a. m.]

[T. D. 5598]

PART 190—RECTIFICATION OF SPIRITS AND WINES

MISCELLANEOUS AMENDMENTS

1. The act of July 14, 1947 (Public Law 185, 80th Congress) amends subsection (b) of section 3179 of the Internal Revenue Code to read as follows:

(b) *Drawback.* Upon the exportation of distilled spirits and wines manufactured or produced in the United States on which an internal-revenue tax has been paid, and which are contained in any cask or package or in bottles packed in cases or other containers, there shall be allowed, under regulations to be prescribed by the Commissioner, with the approval of the Secretary, a drawback equal in amount to the tax found to have been paid on such distilled spirits and wines: *Provided,* That such distilled spirits and wines have been packaged or bottled especially for export, under regulations prescribed by the Commissioner, with the approval of the Secretary. The Commissioner, with the approval of the Secretary, is authorized to prescribe regulations governing the determination and payment of drawback of internal-revenue tax on domestic distilled spirits and wines, including the requirement of such notices, bonds, bills of lading, and other evidence of payment of tax and exportation as shall be deemed necessary.

2. On October 10, 1947 notice of proposed rule-making regarding drawback on distilled spirits and wines was published in the FEDERAL REGISTER (12 F. R. 6696).

3. After consideration of such relevant matter as was presented by interested persons, Regulations 15 approved May 20, 1940 (26 CFR, Part 190) are hereby amended by adding §§ 190.40a and 190.294a and amending §§190.26, 190.292, 190.337, 190.338 and 190.339.

4. These amendments are designed to extend the provisions of the regulations to cover the packaging as well as the bottling of distilled spirits and wines especially for export with benefit of drawback.

§ 190.26 *Export storage room.* If the rectifier intends to bottle or package distilled spirits or wines for export, a separate room for the storage of such products exclusively must be provided and designated "Export Storage Room." The room must be constructed of substantial, solid materials: *Provided,* That the partitions separating such room from other parts of the rectifying plant may be constructed of expanded metal or woven wire of not less than 9-gauge nor more than 2-inch mesh, extending from the floor to the ceiling or roof. All windows, doors, or other openings must be so constructed that they may be securely locked or fastened from the inside, except the entrance door, which must be so constructed that it may be securely locked from the outside of the room with a Government seal lock. (Secs. 2801 (e) (1), 3176, 3179 (b), as amended, I. R. C.)

§ 190.40a *Package filling tanks.* Where distilled spirits or wines are to be packaged especially for export with benefit of drawback, tanks suitable for the purpose, and constructed and equipped in accordance with the provisions and requirements of § 190.39 governing the construction and equipment of bottling tanks, shall be provided by the rectifier. The bottling tank may be used as the package filling tank, provided it is equipped with an approved outlet for filling packages and such outlet is equipped for locking with a Government lock when not in use. (Secs. 2801 (e) (1), 2829, 3176, 3179 (b), as amended, I. R. C.)

§ 190.292 *Remittance of tax for packages.* Except as provided in § 190.294a, for the tax-payment of spirits and wines in packages filled especially for export with benefit of drawback, if the rectified spirits are to be tax-paid in packages, the rectifier shall, upon receipt of Form 237, duly approved, forward all copies to the collector with remittance for the tax due on the spirits. The remittance shall be in the form set forth

in § 190.361c. (Secs. 2801 (e) (1), 3176, 3179 (b), as amended, I. R. C.)

§ 190.294a *Spirits packaged especially for export with benefit of drawback.* If Form 237 covers spirits, wines, cordials, or liqueurs drawn into barrels, casks, drums, or other approved containers, containing not less than 5 wine gallons, especially for export with benefit of drawback, the rectifier shall, upon receipt of Form 237, duly approved, cancel the necessary stamps in the exact amount of the tax due in the manner provided by § 190.361d. He shall then attach the stamps to Form 237 and return all copies to the Government officer. The Government officer shall complete the cancellation of the stamps as provided by § 190.361d and shall execute the certificate on Form 237 evidencing the receipt and cancellation of stamps for the amount of taxes due. He shall then return all copies of the Form 237 and the cancelled stamps to the rectifier who shall stencil the words "rectification tax paid" on each package, attach the cancelled stamps to the original of the Form 237 by means of staple, eyelet or similar device and forward the original and the additional copy of the Form 237 to the district supervisor. (Secs. 2801 (e) (1), 3176, 3179 (b), as amended, I. R. C.)

§ 190.337 *General.* Under the law (a) any distilled spirits and wines on which the internal revenue tax has been paid may be rectified and bottled or packaged especially for export at a rectifying plant or rectified at a rectifying plant for bottling or packaging especially for export by a qualified bottler or packer other than the rectifier, and (b) unrectified domestic distilled spirits and wines on which the internal revenue tax has been paid may be bottled or packaged especially for export in a rectifying plant. (Secs. 2801 (e) (1), 3176, 3179 (b), as amended, I. R. C.)

§ 190.338 *Extent of drawback allowance.* Upon the exportation of distilled spirits and wines so manufactured or produced and tax-paid in the United States and bottled or packaged especially for export, there may be allowed a drawback equal in amount to the tax found to have been paid thereon. (Secs. 2801 (e) (1), 3176, 3179 (b), as amended, I. R. C.)

§ 190.339 *Procedure.* The rectification, bottling, and packaging of distilled spirits and wines especially for export, the rectification of distilled spirits and wines to be bottled or packaged especially for export by a qualified bottler or packer other than the rectifier, the bottling and packaging of unrectified domestic distilled spirits and wines especially for export, the storage pending exportation of distilled spirits and wines bottled or packaged especially for export, the exportation of the spirits or wines, including the lading thereof on vessels for use as ship's supplies and on aircraft for use as aircraft's supplies, and the allowance of drawback thereon shall be in accordance with the provisions of Regulations 28 (26 CFR, Part 176). (Secs. 2801 (e), (1), 3176, 3179 (b), as amended, I. R. C.)

5. This Treasury decision shall be effective upon publication in the FEDERAL REGISTER.

(Secs. 2801 (e) (1), 3176 and 3179 (b), as amended, I. R. C. (26 U. S. C. 2801 (e) (1), 3176 and 3179 (b)))

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: January 13, 1948.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 48-535; Filed, Jan. 19, 1948; 8:49 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 3—TABULATION OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS APPLICABLE TO THE NAVY

RESTORING CERTAIN LANDS TO THE JURISDICTION OF THE TERRITORY OF HAWAII

CROSS REFERENCE: For Executive order affecting the tabulation in § 3.5, see Executive Order 9927, *supra*, which revokes Executive Order No. 174 of the Governor of the Territory of Hawaii, by which order certain lands were set aside for the use of the Navy Department near the Hilo Breakwater for use as a radio station.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 435]

CALIFORNIA

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE NAVY FOR AVIATION PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943 (3 CFR, Cum. Supp.), it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Navy for aviation purposes:

SAN BERNARDINO MERIDIAN

T. 15 S., R. 16 E.,
Sec. 13, S½;
Sec. 23, NE¼, that portion east of the Coachella Branch of the All-American Canal;
Sec. 24, N½.
T. 15 S., R. 17 E.,
Sec. 18, lots 5, 6, E½SW¼;
Sec. 19, lots 3, 4, E½NW¼.

The areas described aggregate approximately 1,070.06 acres.

This order shall take precedence over but not modify the orders of January 31, 1903, and April 9, 1909, of the Secretary of the Interior withdrawing certain lands for reclamation purposes, so far as such orders affect any of the above-described lands.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JANUARY 12, 1948.

[F. R. Doc. 48-510; Filed, Jan. 19, 1948; 8:53 a. m.]

[Public Land Order 436]

ALASKA

WITHDRAWING PUBLIC LANDS FOR CLASSIFICATION

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943 (3 CFR, Cum. Supp.), it is ordered as follows:

Subject to valid existing rights, the public lands in the following-described area in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, and reserved for classification and pending determination of the most useful purposes to which said lands may be put:

Beginning at Angle Point No. 119 on the International Boundary between Alaska and British Columbia; thence
Northwesterly along the International Boundary approximately 3.10 miles to Angle Point No. 121;
Southwesterly on a straight line approximately 3.5 miles to Mt. Hoffmann;
Southwesterly on a straight line approximately 7.9 miles to Mt. Yeatman;
West approximately 2.25 miles to a point at longitude 135°28'10" W., latitude 59°33'20" N.;
Southeasterly on a straight line approximately 5.8 miles to Parsons Peak;
Easterly on a straight line approximately 3.75 miles to Corner No. 2 U. S. Survey No. 2509, in longitude 135°19'10" W., latitude 59°27'50" N.
Northeasterly along the divide between Taiya River and Skagway River approximately 13.75 miles to Angle Point No. 119 on the International Boundary between Alaska and British Columbia and the point of beginning, containing approximately 72.8 square miles.

J. A. KRUG,
Secretary of the Interior.

JANUARY 13, 1948.

[F. R. Doc. 48-512; Filed, Jan. 19, 1948; 8:54 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[6th Rev. S. O. 104, Amdt. 2]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of January A. D. 1948.

Upon further consideration of Sixth Revised Service Order No. 104 (12 F. R. 8297), as amended (13 F. R. 62), and

good cause appearing therefor: It is ordered, that:

Section 95.104, *Substitution of refrigerator cars for box cars*, of Sixth Revised Service Order No. 104, as amended be, and it is hereby, further amended by substituting the following paragraph (c) in lieu of paragraph (c) thereof:

(c) *Application.* (1) The provisions of Service Order No. 68, as amended, insofar as they conflict with this section are suspended.

(2) No car or cars subject to this section shall be stopped in transit to complete loading.

(3) Any car or cars subject to this section may be stopped in transit for partial unloading of not less than 10,000 pounds of freight, or of the entire contents of a car loaded to visible capacity, at any point in the territory west of a line, but not including Chicago, Ill., through Peoria, Ill., and St. Louis, Mo., thence Mississippi River to the Gulf of Mexico provided such a stop-off is authorized in tariffs on file with this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., January 16, 1948, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, Division of the Federal Register.

(Sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-527; Filed, Jan. 19, 1948; 8:49 a. m.]

[S. O. 775, Amdt. 5]

PART 95—CAR SERVICE

DEMURRAGE ON RAILROAD FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of January A. D. 1948.

Upon further consideration of Service Order No. 775 (12 F. R. 6784), as amended (12 F. R. 7059, 8349; 13 F. R. 63, 220) and good cause appearing therefor: It is ordered, that:

Section 95.775 *Demurrage on railroad freight cars* of Service Order 775, as amended, until further order, be and it is hereby suspended in part on all cars, except tank cars, as follows:

Only the demurrage charges of $11 per day and $16.50 per car per day or a fraction of a day are suspended on all cars, except tank cars.

It is further ordered, that this amendment shall become effective at 7:00 a. m., January 19, 1948, and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-528; Filed, Jan. 19, 1948; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 51]

UNITED STATES STANDARDS FOR SWEET PEPPERS FOR PROCESSING

NOTICE OF RULE MAKING

Notice is hereby given under the authority contained in the Department of Agriculture Appropriation Act for 1948 (Pub. Law 266, 80th Cong., 1st Sess., approved July 30, 1947), that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of the United States Standards for Sweet Peppers for Processing. This is the first issue of these standards which are proposed to become effective during the month of March 1948. The proposed standards are as follows:

§ 51.350 *Sweet peppers for processing*—(a) *Grades.* (1) U. S. No. 1 shall consist of sweet peppers of one variety or similar varietal characteristics, which are fairly firm, fairly well shaped, well colored, free from mold, soft rot, worm holes, or other holes which penetrate through the wall of the pepper, except small, fresh holes or splits incident to proper handling. The peppers shall also be free from damage by any other cause.

(2) U. S. No. 2 shall consist of sweet peppers of one variety or similar varietal characteristics which are fairly well colored and free from serious damage by any cause.

(b) *Culls.* Sweet peppers which fail to meet the requirements of either of the foregoing grades shall be designated as culls.

(c) *Size.* There are no size requirements specified for the various grades. However, the minimum size may be fixed by agreement between buyer and seller and may be expressed in terms of diameter in whole inches, or in whole inches and fractions thereof.

(d) *Definitions.* (1) "Fairly firm" means that the pepper is not soft, limp or excessively shriveled.

(2) "Fairly well shaped" means that the pepper is not of the type commonly known as "button" or is not decidedly crooked, constricted, or otherwise seriously deformed.

(3) "Well colored" means that at least 90 percent of the surface of the pepper has a characteristic medium or dark red color, and that green color does not predominate on the remainder of the surface of the pepper.

(4) "Damage" means any injury or defect which materially affects the processing or edible quality of the pepper, or which cannot be removed in the ordinary process of trimming without a loss of more than 5 percent, by weight, of the pepper in excess of that which would occur if the pepper were perfect.

(5) "Diameter" means the greatest dimension of the pepper measured at right angles to a line running from the stem to the apex.

(6) "Fairly well colored" means that at least three-fourths of the surface of the pepper has a characteristic medium or dark red color.

(7) "Serious damage" means any injury or defect which seriously affects the processing or edible quality of the pepper, or which cannot be removed in the ordinary process of trimming without a loss of more than 20 percent, by weight, of the pepper in excess of that which would occur if the pepper were perfect.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards shall file the same in quadruplicate with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington, D. C., not later than 5:30 p. m., e. s. t., on the 20th day after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 14th day of January 1948.

[SEAL] S. R. NEWELL, *Acting Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 48-525; Filed, Jan. 19, 1948; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1661727]

NEVADA

PUBLIC NOTICE REGARDING GRAZING DISTRICT

Under and pursuant to the authority vested in me by the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. C. 315 et seq.), as amended, commonly known as the Taylor Grazing Act, and subject to the limitations and conditions contained therein, notice is hereby given that a hearing will be held in Caliente, Nevada, at 10 a. m., on February 20, 1948, to consider modifying the boundary lines of existing grazing districts to include the following described lands:

NEVADA

MOUNT DIABLO MERIDIAN

T. 1 N., R. 54 E., partly unsurveyed, Secs. 1 to 3, 10 to 15, 22 to 27, and 34 to 36, inclusive, those parts in Lincoln County.
T. 2 N., R. 54 E., partly unsurveyed, Secs. 13 to 15, 22 to 27, and 34 to 36, inclusive, those parts in Lincoln County.
T. 1 N., Rs. 55 and 56 E.
T. 2 N., R. 56 E.,
Sec. 1;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
Ts. 1 and 2 N., R. 57 E.
T. 3 N., R. 57 E.,
Sec. 1;
Secs. 12 to 14, inclusive;
Secs. 22 to 27, inclusive;
Secs. 33 to 36, inclusive.
T. 1 N., R. 64 E., Secs. 13 and 14, 23 to 26, inclusive, 35 and 36.
T. 1 N., R. 65 E., Secs. 13 to 36, inclusive.
T. 1 N., R. 66 E., Secs. 17 to 20 and 29 to 32, inclusive.
T. 1 S., R. 54 E., Secs. 1 to 3, 10 to 15, 22 to 27, and 34 to 36, inclusive, those parts in Lincoln County.
T. 2 S., R. 54 E., Secs. 1 to 3, 10 to 15, 22 to 27, and 34 to 36, inclusive, those parts in Lincoln County.
T. 3 S., R. 54 E., Secs. 1 to 3, 10 to 15, 22 to 27, and 34 to 36, inclusive, those parts in Lincoln County.
T. 4 S., R. 54 E., Secs. 1 to 3, 10 to 15, 22 to 27, and 34 to 36, inclusive, those parts in Lincoln County.
Ts. 1 to 4 S., R. 55 E.
T. 5 S., R. 55 E., unsurveyed, Secs. 1 to 4, 9 to 16, 21 to 28, and 33 to 36, inclusive.
T. 6 S., R. 55 E., unsurveyed, Secs. 1 to 4, 9 to 16, 21 to 28, and 33 to 36, inclusive.
T. 7 S., R. 55 E., unsurveyed, Secs. 1 to 4, 9 to 16, 21 to 28, and 33 to 36, inclusive.
Ts. 1 to 7 S., Rs. 56 and 57 E., partly unsurveyed.
Ts. 5 to 7 S., Rs. 58 and 59 E., unsurveyed.
Ts. 5 to 12 S., Rs. 60 and 61 E., partly unsurveyed.
T. 2 S., R. 62 E., unsurveyed, Secs. 1 to 3, 10 to 15, and 19 to 36, inclusive.
Ts. 3 to 12 S., R. 62 E., partly unsurveyed.
T. 1 S., R. 63 E., unsurveyed, Secs. 19 to 36, inclusive.
Ts. 2 to 12 S., R. 63 E., partly unsurveyed.
T. 1 S., R. 64 E., Secs. 1, 12, 13 and 19 to 36, inclusive.
Ts. 2 to 12 S., R. 64 E., partly unsurveyed.
Ts. 1 to 7 S., R. 65 E., partly unsurveyed.
T. 1 S., R. 66 E., unsurveyed, Secs. 4 to 9, 16 to 21, and 28 to 33, inclusive.
T. 2 S., R. 66 E., unsurveyed, Secs. 4 to 9, 16 to 21, and 28 to 33, inclusive.

The proposed modification described above includes a part of the Desert Game Range withdrawn for wildlife and other purposes by Executive Order No. 7373 of May 20, 1936, as follows:

Ts. 9 to 12 S., Rs. 60 to 62 E.

The inclusion of these lands within the exterior boundaries of a grazing district will be subject to the provisions of said Executive Order No. 7373.

This hearing will be open to the attendance of state officials and settlers, residents and livestock owners of the vicinity where the modification of such grazing districts is proposed.

The publication of this notice has the effect, in accordance with the provisions of the aforesaid act, of withdrawing all vacant, unappropriated and unreserved lands of the public domain in the above-described area from all forms of entry and settlement.

MASTIN G. WHITE,
Acting Assistant Secretary of the Interior.

JANUARY 13, 1948.

[F. R. Doc. 48-511; Filed, Jan. 19, 1948; 8:53 a. m.]

ARIZONA

AIR-NAVIGATION SITE WITHDRAWAL NO. 64, REVOKED

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (49 U. S. C. 214), it is ordered as follows:

The departmental order dated September 29, 1931, withdrawing the following-described land in Arizona as an addition to Air-Navigation Site Withdrawal No. 64, for use by the Department of Commerce in the maintenance of air-navigation facilities is hereby revoked:

GILA AND SALT RIVER MERIDIAN

T. 20 N., R. 11 E., sec. 6.

The area described contains 916.42 acres.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on March 16, 1948. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from March 16, 1948, to June 15, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Sup. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from February 26, 1948, to March 16, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on March 16, 1948 shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on June 16, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from May 28, 1948, to June 16, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on June 16, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Phoenix, Arizona.

This land is rough and rocky in character supporting a sparse growth of desert mountain vegetation.

MASTIN G. WHITE,
Acting Assistant Secretary of the Interior.

JANUARY 13, 1948.

[F. R. Doc. 48-514; Filed, Jan. 19, 1948; 8:54 a. m.]

Office of the Secretary

ALASKA

NOTICE FOR FILING OBJECTIONS TO PUBLIC LAND ORDER NO. 436[1] WITHDRAWING PUBLIC LAND FOR CLASSIFICATION

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

J. A. KRUG,
Secretary of the Interior.

JANUARY 13, 1948.

[F. R. Doc. 48-513; Filed, Jan. 19, 1948; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6913, 8160, 8269]

WLEU BROADCASTING CORP. ET AL.

ORDER SCHEDULING HEARING

In re applications of WLEU Broadcasting Corporation (WLEU), Erie, Pennsylvania, Docket No. 6913, File No. BP-4115; Civic Broadcasters, Inc., Cleveland, Ohio, Docket No. 8269, File No. BP-5852; for construction permits; in re order to show cause directed to Presque Isle Broadcasting Company (WERC), Erie, Pennsylvania, Docket No. 8160, File No. BS-1128.

Whereas, the above-entitled matters have been designated for hearing in a consolidated proceeding;

It is ordered, This 9th day of January 1948, that the said consolidated proceeding be, and it is hereby, scheduled to be heard at 10:00 a. m., Monday, February 9, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-559; Filed, Jan. 19, 1948; 8:52 a. m.]

[Docket No. 6983]

JOLIET BROADCASTING CO. (WJOL)

ORDER CONTINUING HEARING

In re application of Joliet Broadcasting Company (WJOL), Joliet, Illinois, Docket No. 6983, File No. BR-591; for renewal of license.

The Commission having under consideration a petition filed January 2, 1948, by Joliet Broadcasting Company (WJOL), Joliet, Illinois, requesting a 20-day extension of time from January 6, 1948, within which to file proposed findings and conclusions in the proceeding on its above-entitled application for renewal of license;

It is ordered, This 9th day of January, 1948, that the petition be, and it is hereby, granted; and that the time for filing proposed findings and conclusions in the proceeding on the above-entitled application be, and it is hereby, continued to January 26, 1948.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-558; Filed, Jan. 19, 1948; 8:52 a. m.]

[Docket Nos. 7679, 8389]

TURLOCK BROADCASTING GROUP AND ALBERT ALVIN ALMADA

ORDER CONTINUING HEARING

In re applications of Turlock Broadcasting Group, Turlock, California, Docket No. 7679, File No. BP-4873; Albert Alvin Almada, Sacramento, California, Docket No. 8389, File No. BP-5494; for construction permit.

The Commission having under consideration a joint petition filed January 7, 1948, by Turlock Broadcasting Group, Turlock, California, and Albert Alvin Almada, Sacramento, California, requesting that the consolidated hearing on the above-entitled applications be continued from January 12, 1948, to February 2, 1948;

It is ordered, This 9th day of January, 1948, that the petition be, and it is hereby, granted except that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Wednesday, February 4, 1948, instead of February 2, 1948, as requested, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-557; Filed, Jan. 19, 1948; 8:52 a. m.]

[Docket Nos. 7756, 8718]

WYANDOTTE NEWS CO. AND CADILLAC BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Wyandotte News Company, Wyandotte, Michigan, Docket No. 7756, File No. BP-5084; Cadillac Broadcasting Company, Hamtramck, Michigan, Docket No. 8718, File No. BP-6482; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 8th day of January 1948;

The Commission having under consideration the above-entitled applications of Wyandotte News Company requesting a construction permit for a new standard broadcast station to operate on the frequency 1540 kc, with 1 kw, daytime only, in Wyandotte, Michigan; and that of Cadillac Broadcasting Company for construction permit for new standard broadcast station to operate on 1540 kc, with 250 w, daytime only, in Hamtramck, Michigan;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporations, its officers, directors and stockholders, to construct and operate their respectively proposed stations.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations, with particular respect to that of Wyandotte News Company, would involve objectionable interference with station WJMO, Cleveland, Ohio or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That W. J. Marshall, licensee of Station WJMO, be, and he is hereby made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-552; Filed, Jan. 19, 1948; 8:51 a. m.]

[1] See F. R. Doc. 48-512, under Title 43, Chapter I, *supra*.

[Docket No. 7876]

ROCHESTER BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Rochester Broadcasting Company, Rochester, Minnesota, Docket No. 7876, File No. BP–5080; for construction permit.

Whereas, the above-entitled application of Rochester Broadcasting Company, Rochester, Minnesota, is scheduled to be heard at Washington, D. C., on January 9, 1948; and

Whereas, there is pending before the Commission a petition filed by the above-entitled applicant on December 22, 1947, requesting reconsideration and grant without hearing of the above-entitled application;

It is ordered, This 5th day of January 1948, that the said hearing on the above-entitled application be and it is hereby, continued to 10:00 a. m., Tuesday, January 27, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–556; Filed, Jan. 19, 1948; 8:51 a. m.]

[Docket No. 8384]

BIRNEY IMES, JR. (WELO)

ORDER CONTINUING HEARING

In re application of Birney Imes, Jr. (WELO), Tupelo, Mississippi, Docket No. 8384, File No. BP–4719; for construction permit.

The Commission having under consideration a petition filed January 5, 1948, by Birney Imes, Jr. (WELO), Tupelo, Mississippi, requesting a 60-day continuance of the hearing now scheduled for January 21, 1948, at Washington, D. C., on his above-entitled application for construction permit;

It is ordered, This 9th day of January, 1948, that the petition be, and it is hereby, granted; and that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Monday, March 22, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–555; Filed, Jan. 19, 1948; 8:51 a. m.]

[Docket Nos. 8397, 8398]

KIDO, INC., AND THE EVERETT BROADCASTING CO., INC. (KRKO)

ORDER CONTINUING HEARING

In re applications of KIDO, Inc. (KIDO), Boise, Idaho, Docket No. 8397, File No. BP–5017; The Everett Broadcasting Company, Inc. (KRKO), Everett, Washington, Docket No. 8398, File No. BP–5030; for construction permits.

The Commission having under consideration a joint petition filed January 6, 1948, by KIDO, Inc. (KIDO), Boise, Idaho, and The Everett Broadcasting Company, Inc (KRKO), Everett, Washington, requesting a 60-day continuance of the hearing on the above-entitled applications for construction permits now scheduled for January 15, 1948, at Washington, D. C.;

It is ordered, This 9th day of January, 1948, that the petition be, and it is hereby, granted; and that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Monday, March 15, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–554; Filed, Jan. 19, 1948; 8:51 a. m.]

[Docket Nos. 8504, 8505]

UTAH VALLEY RADIO BROADCASTING CO. AND SPRINGVILLE RADIO CO.

ORDER CONTINUING HEARING

In re applications of Ray Dean Salmans and M. D. Close, d/b as Utah Valley Radio Broadcasting Company, American Fork, Utah, Docket No. 8504, File No. BP–6009; W. W. Clyde and C. G. Salisbury, d/b as Springville Radio Company, Springville, Utah, Docket No. 8505, File No. BP–6210; for construction permits.

Whereas, the above-entitled applications are scheduled to be heard in a consolidated proceeding on January 5 and 6, 1948, at Springville, Utah, and American Fork, Utah, respectively; and

Whereas, the public interest, convenience and necessity would be served by continuing the said hearing to February 3 and 4, 1948, at Washington, D. C.;

It is ordered, This 2d day of January, 1948, that the said hearing on the above-entitled applications be, and it is hereby, continued, to 10:00 a. m., Tuesday, February 3, and Wednesday, February 4, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–553; Filed, Jan. 19, 1948; 8:51 a. m.]

[Docket Nos. 8545, 8713]

ENGLEWOOD RADIO AND RECORDING CO. AND ELMER G. BEEHLER (KGEK)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Englewood Radio and Recording Company, Englewood, Colorado, Docket No. 8545, File No. BP–6220; for construction permit; Elmer G. Beehler (KGEK), Sterling, Colorado, Docket No. 8713, File No. BML–1239; for modification of license.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 8th day of January 1948;

The Commission having under consideration the above-entitled application of Elmer G. Beehler, requesting that the license of Station KGEK be modified to change the operating hours of Station KGEK from specified hours to daytime only; and

It appearing that the Commission, on November 6, 1947, designated for hearing in a separate proceeding the application of Englewood Radio and Recording Company (File No. BP–6220, Docket No. 8545), requesting a construction permit for a new standard broadcast station to operate on the frequency 1230 kc, with 250 w power, unlimited time, at Englewood, Colorado, and made party respondents therein the licensees of Stations KGEK and KDZA;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Elmer G. Beehler (KGEK) be, and it is hereby, designated for hearing in a consolidated proceeding with the above application of Englewood Radio and Recording Company, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate Station KGEK as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KGEK as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KGEK as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KGEK as proposed would involve objectionable interference with the services proposed in the other application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KGEK as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission order of November 6, 1947, designating the application of Englewood Radio and Recording Company for hearing, be, and it is hereby, amended to include the application of Elmer G. Beehler (KGEK), and to include among the

issues for hearing, issue No. 7, set forth above.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-551; Filed, Jan. 19, 1948; 8:51 a. m.]

[Docket Nos. 8714, 8715]

LAKEWOOD BROADCASTING CO. AND TRINITY BROADCASTING CORP. (KLIF)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Eldridge C. Harrell, Ross Bohannon, Joseph Floyd Parks, Jr., Largent Parks, Ernest Henry Parks, Frances Parks Rain and Elaine Parks Holcomb, a partnership d/b as Lakewood Broadcasting Company, Dallas, Texas, Docket No. 8714, File No. BP-6309; Trinity Broadcasting Corporation (KLIF), Oak Cliff, Texas, Docket No. 8715, File No. BP-6467; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 8th day of January, 1948;

The Commission having under consideration the above-entitled application of Eldridge C. Harrell, et al., requesting a construction permit for a new standard broadcast station to operate on the frequency 1470 kc, with 500 w power, daytime only, in Dallas, Texas; and that of Trinity Broadcasting Corporation for construction permit to change the operating assignment of Station KLIF, Oak Cliff, Texas, from 1190 kc, with 1 kw power, daytime only, to 1480 kc, with 1 kw power, daytime only;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership and the partners, and the technical, financial and other qualifications of the corporate applicant, Trinity Broadcasting Corporation, its officers, directors and stockholders, to construct and operate their proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the population and areas proposed to be served.

4. To determine whether the proposed operations, particularly with respect to that of Eldridge C. Harrell, et al., would involve objectionable interference with Station KVLH, Pauls Valley, Oklahoma, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed operations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the station proposed by Eldridge C. Harrell, et al., and of Stations KSST, Sulphur Springs, Texas and KBOO, Hillsboro, Texas, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That James P. Jackson, tr/as Pauls Valley Broadcasting Company, licensee of Station KVLH, be, and he is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-550; Filed, Jan. 19, 1948; 8:51 a. m.]

[Docket Nos. 8716, 8717]

FAIRFIELD COUNTY BROADCASTING CO. AND GREENWICH BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR HEARING ON STATED ISSUES

In re applications of Currier Lang, Sherwood H. Prothero, Garo W. Ray, and Aram H. Tellalian, Jr., a partnership, d/b as Fairfield County Broadcasting Company, Norwalk, Conn., Docket No. 8717, File No. BP-6460; The Greenwich Broadcasting Corporation, Greenwich, Conn., Docket No. 8716, File No. BP-6315; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 8th day of January 1948;

The Commission having under consideration the above-entitled applications of Currier Lang et al., requesting a construction permit for a new standard broadcast station to operate on the frefrequency 1490 kc, with 100 w power, unlimited time, in Norwalk, Conn.; and that of The Greenwich Broadcasting Corporation for construction permit for new standard broadcast station to operate on the frequency 1490 kc, with 250 w. power, unlimited time, in Greenwich, Conn.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners and of the applicant corporation, The Greenwich Broadcasting Corporation, its officers, directors, and stockholders to construct and operate their respective stations as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether operation of the proposed stations, with particular respect to that of The Greenwich Broadcasting Corporation, would involve objectionable interference with stations WHOM, Jersey City, N. J.; WNLC, New London, Conn., and WBUD, Morrisville, Pa. or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Atlantic Broadcasting Company, Inc.; Thames Broadcasting Corporation and Frances E. Streit and Verna S. Harding, licensees respectively, of Stations WHOM, WNLC, and WBUD be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-549; Filed, Jan. 19, 1948; 8:51 a. m.]

[Docket Nos. 8720, 8721]

WHITTIER BROADCASTING CO. AND WHITTIER BROADCASTING ASSOCIATES

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Marc H. Spinelli, Mary Di Priter, Richard R. Primanti and

Stanley Primanti, a partnership d/b as Whittier Broadcasting Company, Whittier, California, Docket No. 8721, File No. BP-6465; John R. Dickson, Jr. and Richard N. Merrill, a partnership, d/b as Whittier Broadcasting Associates, Whittier, California, Docket No. 8720, File No. BP-6416; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 8th day of January 1948;

The Commission having under consideration the above-entitled applications of Marc H. Spinelli, et al. and John R. Dickson, Jr., et al., each requesting a construction permit for a new standard broadcast station to operate on the frequency 1360 kc, with 250 w power, daytime only, in Whittier, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which if either of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-548; Filed, Jan. 19, 1948; 8:50 a. m.]

TERRAIN PROXIMITY INDICATORS

NOTICE REGARDING TEMPORARY AUTHORIZATIONS

JANUARY 9, 1948.

Under the Commission's frequency allocation plan, the band 420–460 Mc is available to aeronautical navigational altimeters on a shared basis with the amateur and the fixed and mobile services. The use of this band for altimeters is temporary until such time as suitable equipment is available for operation in the band 4200–4400 Mc. The Commission announces that it is prepared to issue the necessary licenses, on receipt of appropriate applications, for use of the 420–460 Mc band to accommodate the terrain proximity indicator which performs a portion of the functions of the altimeter and has a specialized method of presentation.

Authorizations for terrain proximity indicators are a temporary expedient to enable air carriers to use existing war surplus equipment, which operates in this band, during the period when manufacturers and users are developing and procuring equipment designed to operate in the band permanently allocated for this purpose, at which time, but not later than February 15, 1950, the aeronautical service will vacate the 420–460 Mc band.

The Commission calls attention to the fact that these temporary authorizations can in no way lead to permanent assignment within this band, since the Atlantic City regulations limit its use by the aeronautical service to a temporary period. The Commission has determined that this period will not extend beyond February 15, 1950.

The Commission is taking this means to urge both manufacturers and users of terrain proximity indicators to take immediate action on the development and procurement of equipment designed for operation on appropriate permanently assigned bands.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-547; Filed, Jan. 19, 1948; 8:50 a. m.]

LOW POWER RULES

NOTICE TO OPERATORS AND MANUFACTURERS OF DEVICES COVERED BY THESE RULES

JANUARY 8, 1948.

The Federal Communications Commission today announced that it has under consideration revision of its "low-power" rules (F. C. C. rules and regulations, §§ 2.101–2.104) with a view to prescribing considerably more stringent conditions governing the operation of equipment covered by those rules. This includes a wide variety of devices ranging from "phono-oscillators" or "wired-wireless" or "carrier-current" equipment used for "broadcast" purposes. The announcement of the Commission was made in view of the apparently increasing general interest in the operation of such "low-power" equipment, and in order to sound a note of caution for present and prospective operators and manufacturers of devices intended to operate within such rules. It was stated that the extensive changes that will probably be required in order to prevent interference to authorized radio services may have the result of altering very substantially the conditions under which "low-power" equipment may continue to be operated.

Sections 2.101 to 2.104, inclusive, of the Commission's rules presently provide that any apparatus which generates a radio frequency electromagnetic field that does not exceed 15 uv/m at a distance in feet of 157,000 frequency (kc) and which does not cause interference to radio reception may be operated without a license. These "low-power" rules were first adopted in 1938 at which time uses for radio were much less varied and widespread than they are at present. Since that time the number of AM broadcast stations and receivers have increased; frequency modulation and television have become available on a much larger scale; public safety and special services radio facilities such as police, general mobile, railroad, etc., have multiplied; and wartime electronic developments have made the general public radio-conscious and have resulted in the use of radio frequency energy for many purposes which heretofore have been impracticable.

This expansion has resulted in unprecedented congestion of the radio frequency spectrum and has greatly increased the difficulty of providing for essential radio services free from objectionable interference, including the many services directly related to the safety of life and property. It has been the experience of the Commission that most frequently the operation of "low-power" equipment, presumably in accordance with the present rules of the Commission, is in fact not in compliance with those rules, and is therefore in violation of pertinent regulations and the provisions of the Communications Act. The serious nature of interference that may be caused by such operation is demonstrated by the extensive engineering data obtained by the staff of the Commission in numerous tests of such equipment.

From these data it is clear that reception of AM broadcast, FM broadcast, television and other radio communications is seriously disrupted and impaired by such interference.

Any unlicensed operation in violation of existing law and regulation, including the operation of unlicensed low power equipment not in strict compliance with the presently applicable "low power" rules, is a most serious matter which may be punishable by a maximum fine of $10,000, or a maximum of two years imprisonment or both.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-546; Filed, Jan. 19, 1948; 8:50 a. m.]

FEDERAL POWER COMMISSION

POTOMAC EDISON CO.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF AMOUNTS CLASSIFIED IN ACCOUNT 100.5, ELECTRIC PLANT ACQUISITION ADJUSTMENTS, AND ACCOUNT 107, ELECTRIC PLANT ADJUSTMENTS

JANUARY 14, 1948.

Notice is hereby given that, on January 14, 1948, the Federal Power Commission issued its order entered January 13, 1948, in the above-entitled matter, approving and directing disposition of amounts classified in account 100.5, electric plant acquisition adjustments, and account 107, electric plant adjustments.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-507; Filed, Jan. 19, 1948; 8:53 a. m.]

POTOMAC LIGHT AND POWER CO.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF AMOUNTS CLASSIFIED IN ACCOUNT 100.5, ELECTRIC PLANT ACQUISITION ADJUSTMENTS, AND ACCOUNT 107, ELECTRIC PLANT ADJUSTMENTS

JANUARY 14, 1948.

Notice is hereby given that, on January 14, 1948, the Federal Power Commission issued its order entered January 13, 1948, in the above-entitled matter, approving and directing disposition of amounts classified in account 100.5, electric plant acquisition adjustments, and account 107, electric plant adjustments.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-508; Filed, Jan. 19, 1948; 8:53 a. m.]

NORTHERN VIRGINIA POWER CO.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF AMOUNTS CLASSIFIED IN ACCOUNT 100.5, ELECTRIC PLANT ACQUISITION ADJUSTMENTS, AND ACCOUNT 107, ELECTRIC PLANT ADJUSTMENTS

JANUARY 14, 1948.

Notice is hereby given that, on January 14, 1948, the Federal Power Commission issued its order entered January 13, 1948, in the above-entitled matter, approving and directing disposition of amounts classified in account 100.5, electric plant acquisition adjustments, and account 107, electric plant adjustments.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-509; Filed, Jan. 19, 1948; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1007]

LACLEDE GAS LIGHT CO.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of January A. D. 1948.

The Los Angeles Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, $4.00 Par Value, of The Laclede Gas Light Company.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange and St. Louis Stock Exchange; that the geographical area deemed to constitute the vicinity of the Los Angeles Stock Exchange is the States of California and Arizona; that out of a total of 2,433,620 shares outstanding, 114,392 shares are owned by 620 shareholders in the vicinity of the Los Angeles Stock Exchange; and that in the vicinity of the Los Angeles Stock Exchange there were 453 transactions involving 70,351 shares from August 1, 1946 to July 31, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Los Angeles Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $4.00 Par Value, of The Laclede Gas Light Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-516; Filed, Jan. 19, 1948; 8:55 a. m.]

[File Nos. 70-1656, 31-551]

WISCONSIN PUBLIC SERVICE CORP. ET AL.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING AND CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of January 1948.

In the matter of Wisconsin Public Service Corporation, Wisconsin Power and Light Company, Wisconsin River Power Company, File No. 70-1656; in the matter of Wisconsin River Power Company, Wisconsin Public Service Corporation, Wisconsin Power and Light Company, Consolidated Water Power & Paper Company, File No. 31-551.

Notice is hereby given that Wisconsin Public Service Corporation ("Public Service"), a subsidiary of Standard Power and Light Corporation and Standard Gas and Electric Company, both registered holding companies, and Wisconsin Power and Light Company ("Power and Light"), a subsidiary of The Middle West Corporation and North West Utilities Company, both registered holding companies, have filed a joint application and declaration and amendments thereto with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("the act") and the rules and regulations promulgated thereunder, requesting approval of a proposal to acquire capital stock of a newly formed corporation, Wisconsin River Power Company ("River Company"), and that said River Company has filed a Supplemental Statement thereto for the purpose of requesting all requisite authorizations, approvals and consents of this Commission under the act in respect to certain related transactions.

Notice is further given that the aforesaid companies, jointly with each other and with Consolidated Water Power & Paper Company ("Consolidated"), have filed an application with the Commission for various exemptions from the act in connection with their proposed intercompany relationships, pursuant to the act and the rules and regulations promulgated thereunder.

All interested persons are referred to said application-declaration, as amended, and said application for exemption, which are on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Public Service, incorporated under the laws of the State of Wisconsin, is a public-utility company engaged chiefly in the generation, transmission and sale of electric energy and the manufacture, transmission and sale of gas. The territory served with either or both services extends over an area of approximately 10,000 square miles in north central and northeastern Wisconsin. In addition, said Company operates three small urban bus systems, supplies steam to one customer, and merchandises electric and gas appliances.

Power and Light, incorporated under the laws of the State of Wisconsin, is a public-utility company engaged principally in generating, distributing and selling electric energy in southern and central Wisconsin. It is also engaged in producing, distributing and selling manufactured gas, and, to a minor extent, in distributing and selling water, in supplying central heating service, and in selling electric and gas appliances and equipment.

Consolidated, incorporated under the laws of the State of Wisconsin, is engaged principally in the manufacture and sale of paper, pulp, and paper products. Consolidated owns all of the outstanding stock of Consolidated Water Power Company, a public utility company, and all of the presently outstanding stock of River Company. Consolidated is a holding company heretofore exempt from registration by reason of the filing of statements pursuant to Rules U-2 and U-9

(File No. 69–33) promulgated under the act.

The proposals contained in the application-declaration are part of a general program for the financing of River Company, which was incorporated under the laws of the State of Wisconsin on April 12, 1947. River Company was organized pursuant to a contract dated January 9, 1947, among Consolidated, Public Service and Power and Light, for the purpose of acquiring two dam sites, then owned by Consolidated, which sites are located on the Wisconsin River in Juneau and Adams Counties in Wisconsin, and for developing such sites for the production of electric energy by means of hydroelectric plants to be constructed, owned and operated by River Company, all of such energy to be sold to the three contracting corporations.

The sole business of River Company at present consists of owning properties already conveyed to it by Consolidated as hereinafter mentioned, acquiring additional real estate and flowage rights necessary for construction and operation of dams and hydroelectric plants at such sites and making other preparations for such developments.

The companies estimate that the total capital requirements of River Company, including working capital, will be approximately $13,500,000, of which approximately $4,560,000 will be presented by common stock, such stock to be acquired equally by Public Service, Power and Light and Consolidated. The balance of approximately $8,940,000 will be provided by the sale of thirty-year first mortgage bonds of River Company, of which The Northwestern Mutual Life Insurance Company has agreed to purchase $8,500,000 principal amount at par, at an interest rate of 2⅞%.

The presently authorized capital stock of River Company is $5,000,000, consisting of 50,000 shares of common stock of the par value of $100 each. Consolidated has subscribed for and received $1,560,000 of par value of such capital stock, the consideration for its acquisition being the conveyance to River Company by Consolidated of the aforementioned dam construction sites and other real estate necessary in connection with operation of such dams. Public Service and Power and Light propose to purchase from River Company for cash at par, shares of common stock of said company, not to exceed in the aggregate approximately $3,000,000, which, together with funds to be provided from other sources, as aforesaid, will enable River Company to acquire and develop two dam sites on the Wisconsin River for the production of hydroelectric energy.

It is proposed that the acquisition of common stock will occur in steps as follows:

(1) Initially, Public Service and Power and Light each proposed to purchase from River Company for cash at par, a minimum amount of $150,000 par value of common stock, representing 1,500 shares of the par value of $100 each.

(2) Thereafter, Public Service and Power and Light each proposes to purchase from River Company for cash at par such additional common stock, presently estimated at $1,350,000 par value, as may, together with the consideration paid in for stock of said company issued to Consolidated, and the proceeds of bonds proposed to be sold by River Company, be necessary to provide River Company with the funds and property required to complete, and put into operation, the proposed hydroelectric developments. Such stock purchases are expected to extend over the period ending approximately January 1950, by which time it is anticipated that the developments by River Company will have been completed.

As conditions to the sale of the aforesaid $8,940,000 thirty-year first mortgage bonds, Public Service, Power and Light and Consolidated are required by the terms of the "Bond Purchase Agreement" and the "Power Purchase Contract":

(1) To make binding subscriptions in total equal to the $4,560,000 of common stock now estimated to be necessary, and to agree to subscribe and pay for such additional amounts of equity capital as may be necessary (together with the proceeds of bonds issuable in accordance with the terms of the indenture) to complete the proposed developments in the event that the completed costs exceed present estimates; and

(2) To enter into binding agreements, effective so long as such bonds are outstanding, to pay periodically to River Company sums in total sufficient to pay all of the operating expenses, income charges and debt service requirements of River Company, and dividends not exceeding 8% on the common stock of River Company. Such obligations of each of the contracting corporations are to be assumed in proportion to the energy agreed to be taken by each from River Company, and are to be directly enforcible by the bond indenture trustee.

Sections 6 (a), 9 (a), 10, 12 (b), 12 (e), 12 (f) and 12 (g) of the act and Rules U-42, U-43, and U-50 of the rules and regulations promulgated thereunder, are designated by applicants-declarants as applicable to the proposed transactons.

In connection with the joint application for exemption:

(1) River Company requests the Commission to enter an order, pursuant to section 2 (a) (8) of the act, declaring that said Company is not and will not become by virtue of the proposed transactions a subsidiary of (a) Public Service or its parents and (b) Power and Light or its parents;

(2) Consolidated requests the Commission to enter an order pursuant to sections 3 (a) (1) or 3 (a) (3) (A), or both, exempting Consolidated as a holding company and River Company and Consolidated Water Power Company as subsidiaries thereof from all provisions of the act and rules thereunder;

(3) Public Service requests the Commission to enter (a) an order pursuant to section 2 (a) (7) of the act, declaring that said Company is not and will not become, by virtue of the proposed transactions, a holding company with respect to River Company, or (b) an order pursuant to section 3 (a) (1) or 3 (a) (2) of the act, or both, exempting Public Service as a holding company in respect to River Company and exempting River Company, as a subsidiary thereof, from all the provisions of the act and rules thereunder;

(4) Power and Light requests the Commission to enter (a) an order pursuant to section 2 (a) (7) of the act, declaring that said Company is not and will not become, by virtue of the proposed transactions, a holding company with respect to River Company, or (b) an order pursuant to section 3 (a) (1) or 3 (a) (2) of the act, or both, exempting Power and Light as a holding company in respect to River Company and exempting River Company, as a subsidiary thereof, from all the provisions of the act and rules thereunder.

Applicants-declarants represent that the Public Service Commission of Wisconsin has jurisdiction over the proposed acquisition of stock by Public Service and Power and Light, and over other dealings between either of them and River Company.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed transactions and applications for exemption for the purpose of affording an opportunity to all interested persons to present evidence and be heard with respect to the proposed transactions set forth in said joint application-declaration as amended and said applications for examination; and it further appearing that there are common issues of law and fact in said joint application-declaration, as amended, and said applications for exemption:

It is ordered, That a hearing upon said matters shall be held under the applicable provisions of the act and rules and regulations promulgated thereunder on January 22, 1948, at 10 a. m., e. s. t., at the office of the Securities and Exchange Commission, 425 2d Street NW., Washington 25, D. C. in such room as may be designated at such time by the hearing room clerk. Any persons desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of this Commission, on or before January 21, 1948, a written request relative thereto as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That the aforementioned application-declaration (File No. 70–1656) and the aforementioned exemption applications (File No. 31–551) be, and they hereby are consolidated.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the joint application-declaration and the applications for exemption, and that upon the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination.

(1) Whether the proposed issuances and sales by River Company of said first mortgage bonds and common stock satisfy the requirements of section 7 of the act.

(2) Whether the power purchase contract proposed to be entered into by River Company, Public Service, Light & Power, and Consolidated constitutes a "security" within the meaning of section 2 (a) (16) of the act, and, if so, whether by virtue of execution of such proposed power purchase contract, the aforementioned companies are entitled to an exemption from the provisions of section 6 (a) of the act pursuant to the third sentence of section 6 (b) thereof and, if so, whether terms or conditions should be prescribed in connection therewith and in such event what such terms and conditions should be; and if not exempted from section 6 (a) of the act whether the requirements of section 7 of the act are satisfied.

(3) Whether the proposed acquisitions by Public Service and by Light and Power of common stock of River Company satisfy the requirements of section 10 of the act, and particularly, the requirements of sections 10 (b) (1), 10 (b) (3), 10 (c) (1) and 10 (c) (2).

(4) Whether the acquisition of common stock of River Company heretofore made by Consolidated and the proposed further acquisition by Consolidated are subject to the requirements of section 10 of the act, and, if so, whether such acquisitions satisfy the requirements of section 10 of the act, and particularly, the requirements of sections 10 (b) (1), 10 (b) (3), 10 (c) (1) and 10 (c) (2).

(5) Whether by virtue of being parties to the proposed power purchase contract, Public Service and Power and Light, under the terms thereof, would become guarantors of or otherwise assume liability on the first mortgage bonds proposed to be issued by River Company.

(6) Whether, in the event Public Service and Power and Light are guarantors of or assume liability on the first mortgage bonds proposed to be issued by River Company, Public Service and Power and Light are entitled to an exemption from the provisions of section 6 (a) of the act pursuant to the third sentence of section 6 (b) thereof and, if so, whether terms or conditions should be prescribed in connection therewith and in such event what such terms and conditions should be; and if not exempted from section 6 (a) of the act whether the requirements of section 7 of the act are satisfied.

(7) Whether by virtue of being a party to the proposed power purchase contract Public Service and Power and Light will be guarantors of or assume liability with respect to the payment of dividends on the common stock of River Company.

(8) Whether, in the event that Public Service and Power and Light are guarantors of or assume liability with respect to the payment of dividends on the common stock of River Company, Public Service and Power and Light are entitled to an exemption from the provisions of section 6 (a) of the act pursuant to the third sentence of section 6 (b) thereof and, if so, whether terms or condtiions should be prescribed in connection therewith and in such event what such terms and conditions should be; and if not exempted from section 6 (a) of the Act whether the requirements of section 7 of the act are satisfied.

(9) Whether the transactions proposed to be undertaken by River Company, Public Service, Power and Light, and Consolidated are subject to any of the requirements of section 12 of the act and the rules and regulations promulgated thereunder and, if so, whether such requirements are satisfied.

(10) Whether the application by River Company pursuant to section 2 (a) (8) of the act for an order declaring it not to be a subsidiary of Public Service or its parent and/or Power and Light or its parent satisfies the requirements of section 2 (a) (8) of the act, and whether it is necessary or appropriate in the public interest or for the protection of investors or consumers that River Company be subject to the act and the rules and regulations promulgated thereunder.

(11) Whether the applications by Public Service and Power and Light pursuant to section 2 (a) (7) of the act and alternatively pursuant to section 3 (a) (1) or section 3 (a) (2) of the act, or both, for an order declaring them not to be holding companies or in the alternative exempting them as holding companies, and River Company as a subsidiary thereof from all provisions of the act and the rules and regulations thereunder meet the requirements of section 2 (a) (7) of the act or alternatively of section 3 (a) (1) or section 3 (a) (2) thereof, and whether it is necessary or appropriate in the public interest or for the protection of investors or consumers that Public Service and Power and Light be subject to the Act as holding companies and whether any exemption pursuant to section 3 (a) of the act would be detrimental to the public interest or the interest of investors or consumers.

(12) Whether the application by Consolidated pursuant to section 3 (a) (1) of the act and alternatively pursuant to section 3 (a) (3) (A) of the act for an order exempting it as a holding company and River Company and Consolidated Water Power Company as subsidiaries thereof meets the requirements of section 3 (a) (1) of the act or alternatively of section 3 (a) (3) (A) of the act, and whether any such exemption would be detrimental to the public interest or the interest of investors or consumers.

(13) Whether the indenture securing the proposed first mortgage bonds of River Company contains adequate protective provisions for the benefit of security holders.

(14) Whether by virtue of being Trustee under indentures securing outstanding securities of Public Service, Power and Light and Consolidated Water Power Company, First Wisconsin Trust Company, Milwaukee, Wisconsin, may, consistently with the public interest and the protection of investors, be permitted to act as Indenture Trustee with respect to the first mortgage bonds proposed to be issued by River Company.

(15) Whether fees, commissions, commitment fees, or other remuneration proposed to be paid in connection with the proposed transactions are for necessary services and reasonable in amount.

(16) Whether accounting entries proposed to be made in connection with the foregoing transactions are proper and in accordance with sound accounting principles.

(17) Whether compliance with paragraphs (b) and (c) of Rule U-50 would be appropriate in order to aid the Commission in determining whether the terms and conditions of the proposed issuances are detrimental to the public interest or the interest of investors or consumers.

(18) Whether and to what extent it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms and conditions in connection with the proposed transactions.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That Richard Townsend or any other hearing officer or officers of the Commission designated by it for that purpose shall preside at the hearings in these proceedings. The hearing officer so designated to preside at such hearings is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That jurisdiction be and hereby is reserved to separate either for hearing, in whole or in part, or for disposition, in whole or in part, any of the matters hereinbefore set forth or which may hereafter arise, or to take such other action as may appear appropriate in the premises or be necessary for the orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this notice and order for hearing by registered mail to Wisconsin Public Service Corporation, Wisconsin Power and Light Company, Wisconsin River Power Company, Consolidated Water Power & Paper Company, The Northwestern Mutual Life Insurance Company, First Wisconsin Trust Company of Milwaukee, Wisconsin, Federal Power Commission and the Wisconsin Public Service Commission; that notice be given to all other persons by publication of a copy of this notice and order in the FEDERAL REGISTER and by general release of the Commission distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 48-517; Filed, Jan. 19, 1948; 8:55 a. m.]

[File No. 812-523]

MASSACHUSETTS LIFE FUND

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of January A. D. 1948.

Notice is hereby given that Massachusetts Life Fund (hereinafter called "Applicant"), a registered investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting applicant from the provisions of sections 18 (i), 13 (a), 15 (a), (b) and (c), 16 (a), 32 (a) (2) and (3), 30 (d), 32 (a) (1) and (4). Sections 18 (i), 13 (a), 15 (a), (b) and (c), 16 (a), and 32 (a) (2) and (3) afford voting rights to stockholders of a registered investment company, with respect to various matters, sections 30 (d) and 32 (a) (4) provide for reports to stockholders, and section 32 (a) (1) pertains to the selection of accountants for the company.

Applicant is a common-law trust established by declaration of trust dated November 26, 1947. It was organized as a step in the reorganization of Massachusetts Hospital Life Insurance Company (hereinafter called "Predecessor"), a Masachusetts corporation, which is also an investment company but is excepted from the provisions of the Investment Company Act by reason by the exception provided in the last clause of section 3 (c) (3) of the act.[1] The principal parties interested in the predecessor are beneficiaries under general and special deposits,[2] beneficiaries under annuity contracts, and stockholders. The beneficiaries under general and special deposits have the largest interest, by far. After allocating a portion of the predecessor's assets to stockholders and beneficiaries under the annuity contracts, it is proposed to transfer the remaining assets (representing also the bulk of the assets) to applicant, and applicant in turn proposes to issue and deliver to the predecessor units representing a proportionate interest in such assets to be held by it as trustee for the benefit of the beneficiaries under the general and special deposits and for the same uses and purposes. Special deposits will thereby be eliminated. Applicant is not excepted from the provisions of the act under section 3 (c) (3) of the act, since it was organized after 1936, although presumably it will meet all other conditions of the exception provided in section 3 (c) (3).

[1] The exception reads as follows:

"3 (c) Notwithstanding subsections (a) and (b), none of the following persons is an investment company within the meaning of this title:

"(3) * * * any common trust fund or similar fund, established before the effective date of the Revenue Act of 1936 by a corporation which is supervised or examined by State or Federal authority having supervision over banks, if a majority of the units of beneficial interest in such fund, other than units owned by charitable or educational institutions, are held under instruments providing for payment of income to one or more persons and of principal to another or others."

[2] The deposits provide, as a rule, for the payment of income to a specified individual or individuals and for the payment of principal to another or others, at maturity. Special deposits provide for the payment of a fixed amount, without deduction for capital losses on the combined investments. General deposits, on the other hand, provide for the deduction of losses from principal.

All interested persons are referred to said application which is on file in the offices of the Commission for a detailed statement of the proposed exemption and the matters of fact and law asserted.

Notice is further given that an order granting the application may be issued by the Commission on or at any time after January 23, 1948, unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than January 21, 1948, at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-515; Filed, Jan. 19, 1948; 8:54 a. m.]

UNITED STATES MARITIME COMMISSION

S. S. "MERIDA"

DEPOSIT OF JUST COMPENSATION

Notice of deposit of just compensation for use of Honduran vessel requisitioned pursuant to Public Law 101, 77th Congress.

Notice is hereby given that on June 10, 1947, the United States Maritime Commission, acting pursuant to the act of June 6, 1941, Public Law 101, 77th Congress (55 Stat. 242), as amended, particularly by section 3 (a) of the act of March 24, 1943, Public Law 17, 78th Congress (57 Stat. 45), deposited with the Treasurer of the United States the sum of $75,289.00 as just compensation for the use of the vessel S. S. "Merida," of Honduran registry, which was requisitioned at Newport News, Virginia, pursuant to said act of June 6, 1941, as amended, on November 1, 1943. In accordance with said section 3 (a) of the act of March 24, 1943, the holder of any valid claim by way of mortgage or maritime lien or attachment lien upon the said vessel, or of any stipulation therefor in a court of the United States, or of any State, subsisting at the time of such requisition may commence within six months after publication of this notice in the FEDERAL REGISTER and maintain in the United States district court from whose custody such vessel was taken or in whose territorial jurisdiction the vessel was lying at the time of requisitioning, a suit in admiralty according to the principles of libels in rem against the fund so deposited, which suit shall proceed and be heard according to the principles of the law and to the rules of practice obtaining in like cases between private parties. Such suit shall be commended in the manner provided by section 2 of the Suits in Admiralty Act and service of process shall be made in the manner therein provided by service upon the United States attorney and by mailing by registered mail to the Attorney General and the United States Maritime Commission and due notice shall under order of the court be given to all interested persons, and any decree shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction. Any decree in any such suit shall be paid out of this and any subsequent deposit of just compensation.

Dated: January 15, 1948.

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 48-560; Fied, Jan. 19, 1948; 8:52 a. m.]

S. S. "FLORIDA"

DEPOSIT OF JUST COMPENSATION

Notice of deposit of just compensation for use of Honduran vessel requisitioned pursuant to Public Law 101, 77th Congress.

Notice is hereby given that on June 10, 1947, the United States Maritime Commission, acting pursuant to the act of June 6, 1941, Public Law 101, 77th Congress (55 Stat. 242), as amended, particularly by section 3 (a) of the act of March 24, 1943, Public Law 17, 78th Congress (57 Stat. 45), deposited with the Treasurer of the United States the sum of $56,331.00 as just compensation for the use of the vessel S. S. "Florida," of Honduran registry, which was requisitioned at Baltimore, Maryland, pursuant to said act of June 6, 1941, as amended, on November 6, 1943. In accordance with said section 3 (a) of the act of March 24, 1943, the holder of any valid claim by way of mortgage or maritime lien or attachment lien upon the said vessel, or of any stipulation therefor in a court of the United States, or of any State, subsisting at the time of such requistion may commence within six months after publication of this notice in the FEDERAL REGISTER and maintain in the United States district court from whose custody such vessel was taken or in whose territorial jurisdiction the vessel was lying at the time of requisitioning, a suit in admiralty according to the principles of libels in rem against the fund so deposited, which suit shall proceed and be heard and determined according to the principles of the law and to the rules of practice obtaining in like cases between private parties. Such suit shall be commenced in the manner provided by section 2 of the Suits in Admiralty Act and service of process shall be made in the manner therein provided by service upon the United States attorney and by mailing by registered mail to

the Attorney General and the United States Maritime Commission and due notice shall under order of the court be given to all interested persons, and any decree shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction. Any decree in any such suit shall be paid out of this and any subsequent deposit of just compensation.

Dated: January 15, 1948.

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 48-561; Filed, Jan. 19, 1948; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10199]

ANNA WEISSMAN

In re: Estate of Anna Weissman, deceased. File D-28-12038; E. T. sec. 16265.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

(1) That Georg Weissman, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

(2) That the sum of $468.50 was paid to the Attorney General of the United States by R. W. Hilmer, Executor, of the Estate of Anna Weissman, deceased;

(3) That the sum of $468.50 was accepted by the Attorney General of the United States on September 30, 1947, pursuant to the Trading with the Enemy Act, as amended;

(4) That the said sum of $468.50 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-540; Filed, Jan. 19, 1948; 8:49 a. m.]

[Vesting Order 10248]

TILLA WITTING

In re: Estate of Tilla Witting, deceased. File D-28-12079; E. T. sec. 16276.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene Eyssen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Tilla Witting, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by May Louise Witting, as Administratrix, acting under the judicial supervision of the County Court of Bexar County, San Antonio, Texas;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-542; Filed, Jan. 19, 1948; 8:49 a. m.]

[Vesting Order 10335]

HUGO B. JESSE

In re: Estate of Hugo B. Jesse, deceased. File No. D-28-11513; E. T. sec. 15742.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erika Braun, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Hugo B. Jesse, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Helma Enders, as administratrix, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-543; Filed, Jan. 19, 1948; 8:49 a. m.]

[Vesting Order 10369]

ELLEN BOLLMANN ET AL.

In re: Stock owned by Ellen Bollmann and others. F-28-25286-D-1, F-28-23159-D-2, F-39-5149-A-1, F-28-23159-D-3, F-39-5149-D-1, D-28-8375-D-1, D-66-2337-D-1, D-28-8375-D-2, F-28-25287-D-1, F-28-23550-D-1, F-28-920-D-1, F-28-23550-D-2, F-28-23159-A-1, F-28-23550-D-3, F-28-23159-D-1, F-28-23550-D-4.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That S. Frankel Bankgeschaft, the last known address of which is Unter Den Linden 57/8, Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That the persons whose names and last known addresses are listed below:

Name and Address

Ellen Bollmann, Hoya/Weser, Germany.

Mrs. Louise Kruck also known as Luise Kruck, Oberstor 9, Gerlingen bei, Stuttgart, Germany.

Gertrude Petersen, Strandweg 20, Blankenese-Hamburg 24, Germany.

Gertrud Schwerdtfeger, Dusseldorferstrasse 49, Duisberg Am Rhein, Germany.

Walter Thoma, Freiburgerstr 18, Todtnau, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

3. That Goro B. Kawano, whose last known address is 1–435 Okusawa, Setagaya, Ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

4. That the property described as follows: One hundred twenty-three (123) shares of no par value common capital stock of Consolidated Edison Company of New York, Inc., 4 Irving Place, New York 3, New York, a corporation organized under the laws of the State of New York, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
S. Frankel Bankgeschaft	182337	4
	122967	1
Ellen Bollmann	955410	2
Mrs. Louise Kruck	A 401756	100
Miss Gertrud Schwerdtfeger	505610	6
Walter Thoma	908367	10

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

5. That the property described as follows: Five (5) shares of no par value common capital stock of Consolidated Edison Company of New York, Inc., 40 Irving Place, New York 3, New York, a corporation organized under the laws of the State of New York, evidenced by certificate numbered 436837, and registered in the name of Goro B. Kawano, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

6. That the property described as follows: Eight (8) shares of no par value common capital stock of Southern Pacific Company, 165 Broadway, New York 6, New York, evidenced by certificate numbered F352570, and registered in the name of Miss Gertrud Schwerdtfeger, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

7. That the property described as follows:

a. Twenty (20) shares of $50.00 par value preferred capital stock of Radio Corporation of America, 60 Broad Street, New York 4, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered NO544341, and registered in the name of Walter Thoma, together with all declared and unpaid dividends thereon, and any and all rights of redemption thereof.

b. Two (2) shares of $5.00 par value common sapital stock of Bendix Aviation Corporation, 401 Bendix Drive, South Bend, Indiana, evidenced by certificate numbered N0144176, and registered in the name of Walter Thoma, together with all declared and unpaid dividends thereon, and

c. Twenty (20) shares of $15.00 per value capital stock of Socony-Vacuum Oil Co., Inc., 26 Broadway, New York 4, New York, a corporation organized under the laws of the State of New York, evidenced by certificate numbered NYC 102213, registered in the name of Walter Thoma, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

8. That the property described as follows:

a. One (1) share of no par value common capital stock of The Lambert Company, 9 Rockefeller Plaza, New York 20, New York, evidenced by certificate numbered 32764, registered in the name of Miss Gertrude Petersen, and presently in the custody of George W. Welsh, 155 East 42nd Street, New York 17, New York, together with all declared and unpaid dividends thereon,

b. Three (3) shares of $25.00 par value capital stock of The Yale & Towne Manufacturing Co., Chrysler Bldg., 405 Lexington Avenue, New York, New York, evidenced by certificate numbered KF18214, registered in the name of Gertrude Petersen, and presently in the custody of George W. Welsh, 155 East 42nd Street, New York 17, New York, together with all declared and unpaid dividends thereon, and

c. Four (4) shares of no par value common capital stock of Consolidated Edison Company of New York, Inc., 40 Irving Place, New York 3, New York, a corporation organized under the laws of the State of New York, evidenced by certificates numbered 319279 and 378569 for 3 and 1 shares, respectively, registered in the name of Miss Gertrude Petersen, and presently in the custody of George W. Welsh, 155 East 42nd Street, New York 17, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

9. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

10. That to the extent that the person named in subparagraph 3 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–544; Filed, Jan. 19, 1948; 8:50 a. m.]

[Vesting Order 10452]

ROLAND KOMMANDIT-GESELLSCHAFT OSTHOFF & CO.

In re: Interests and rights created in Roland Kommandit-Gesellschaft Osthoff & Co.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Roland Kommandit-Gesellschaft Osthoff & Co. is a corporation, partnership, association or other business organization, organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Eessen, Germany,

and is a national of a designated enemy country (Germany);

2. That the property described as follows: All interests and rights, to the extent not heretofore vested by Vesting Orders 733, as amended, 1766, as amended, and 5306, created in Roland Kommandit-Gesellschaft Osthoff & Co. by virtue of an agreement, dated June 30, 1937, by and between Roland Kommandit-Gesellschaft Osthoff & Co. and American Felsol Company, Lorain, Ohio,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of control or ownership by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 9, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-545; Filed, Jan. 19, 1948; 8:50 a. m.]